

Inmate Telephone Calls

1904.1 HOUSING TELEPHONE USE

Inmates confined in any Jail Operations facility will have access to telephones to maintain community and family ties and communicate with legal representatives or the courts.

- (a) Telephones are available for inmate use during dayroom hours.
 - 1. In emergency or court ordered situations, inmates will be permitted to use the telephones in their assigned housing locations.
- (b) Telephone calls are made collect and may be monitored. There are no restrictions on the number or duration of calls.
- (c) Housing Sergeants will review any inmate's written request to use the non-collect telephone.
 - 1. Examples of approved calls:
 - i. Public agencies, courts, etc.
 - ii. Businesses are not likely to accept a collect call. (Determine why the call is necessary.)
 - iii. Call an answering service (i.e., inmate's family has no phone).
 - 2. Examples of disapproved calls:
 - i. Inmate has means to make a collect call but prefers not to call collect.
 - ii. Inmate does not like making calls while in the dayroom.
 - iii. Inmate refuses to state reason(s) for request.
 - iv. Questionable requests should be referred to the Watch Commander.
- (d) Upon completion of non-collect court ordered telephone calls, the Deputy shall record the date and duration of the call and enter their signature on the Inmate Activity Log.
 - 1. Once all required calls are completed, the Module Deputy will write [REDACTED] and the date/time on the court order indicating the requirements of court order have been fulfilled. The Deputy will then return the court order to [REDACTED] to be placed in the inmate's file.

1904.2 TELEPHONE RESTRICTIONS

- (a) Inmates may have restricted access to the telephone as a condition of imposed discipline. Inmates will not be prevented from making telephone calls to their legal representatives or the courts in connection with prospective or pending litigation.
 - 1. All legal phone calls will be unmonitored. The Deputy supervising the telephone call may dial the desired number and obtain the party being called to verify that the call is being made as stated.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

2. Inmates with restricted access to the telephone may only use the free local phones to call legal representatives or the courts when the receiving party will not accept the charges from the collect phone call.

1904.3 CALLS ARRANGED BY THE CORRECTIONAL HEALTH SERVICES (CHS) STAFF

- (a) There may be occasions when members of the CMH staff, during counseling sessions, determine that a particular inmate's tensions and frustrations may be alleviated by being allowed to make a phone call. With the approval of a Sergeant, members of the team may originate the call by dialing the number, verifying that the party wishes to talk to the inmate, and then personally monitoring the conversation and documenting the call's occurrence in the logbook.

1904.4 SPECIAL USE TELEPHONE

- (a) Each facility will maintain video interpreting services for hearing impaired inmates' use. Requests to use video interpreting services will be honored at the convenience of jail staff, but as soon as reasonably possible.
 1. During booking, hearing impaired arrestees will be advised that video interpreting services are available for use.
 2. A hearing-impaired inmate in housing may use video interpreting services during regular telephone hours or pursuant to an approved emergency request.
- (b) A cordless telephone is available in medical housing for inmate access, if needed. The cordless telephone is to be utilized only in the extraordinary event an inmate is non-ambulatory, has an urgent need to make a call, and cannot access any other inmate telephone. The Deputy will keep the inmate always using the telephone under direct visual observation and only provide the telephone for the time necessary to complete the call. When the call is completed, the Deputy will collect the telephone, disinfect it if necessary, and return it to the charger in the guard station. These telephones are recorded in the same manner as all other inmate telephones.
 1. Calls between an inmate and their attorney or an agent of the attorney are privileged and shall not be subject to auditory monitoring.

1904.5 NON-COLLECT TELEPHONE CALLS

- (a) Inmates may, for cause, petition the Division Commander or their designee to use the non-collect telephone.
- (b) All personnel will adhere to the following guidelines when an inmate requests a non-collect telephone call:
 1. Issue an "Inmate Message Slip" to the inmate. The inmate will fill out the request and address it to the Housing Sergeant explaining the reason for requesting the call. The slip will be forwarded to the Sergeant for review and approval/denial.
 2. The Sergeant shall approve non-collect calls for:
 - i. Verified personal emergencies.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

- ii. Special circumstances (all questionable requests will be referred to the Watch Commander for approval).
3. The Sergeant shall direct a Deputy to remove the inmate from housing to a non-collect telephone. The Deputy shall record the date, start/end times of the call, and place their initials and badge number on the slip. The inmate will sign the slip acknowledging the completion of the call.
4. Upon completion of the call, the inmate shall be returned to housing and the original message slip, which will be marked "FILE", shall be forwarded to Inmate Records for inclusion in the inmate's jail file.

1904.6 TELEPHONE SYSTEM

The Assistant Sheriff of Custody Operations or their designee shall be responsible for ensuring the Inmate Telephone Monitoring/Recording Equipment (TMRE) system is utilized for law enforcement needs and the security of the facility as allowed under State and Federal laws in compliance with applicable State and Federal Statutes. (Cal. Pen. Code §§ 633, 636(a); 18 U.S.C. § 2511(1)(a) and (4); People v. Kelley (2002) 103 Cal. App. 4th 853).

(a) Inmate Telephone Monitoring/Recording Equipment (TMRE) System

1. The Inmate TMRE system provides telephone service to inmates housed in Orange County Jail facilities and services include the ability to record, monitor and store all phone calls placed by inmates.
2. Recording Capability
 - i. The Inmate TMRE system maintains digital recordings of calls originating from inmate's telephones as well as generates documents of telephonic activity from corresponding computers.
3. Authorized User Responsibilities
 - i. It shall be the responsibility of the designated authorized personnel to routinely monitor outgoing inmate telephone calls.
 - ii. It shall be the responsibility of the designated authorized personnel to access Inmate TMRE system records of stored calls to screen for potential security issues, criminal activity and ensure the Inmate TMRE system is operating.
 - iii. The user shall conduct at least one open-source search of the phone number listed in the Inmate TMRE system prior to monitoring any call or listening to any recording(s) to ensure that the target numbers are not attorney, religious advisor, or licensed physician phone numbers.
 - iv. Open-source searches may include but are not limited to: Internet search engines such as Google, law enforcement related databases such as CLEAR, or the California State Bar Association.
 - v. It shall be the responsibility of each authorized user of the Inmate TMRE system to determine if an inmate has Pro Per status and determine the

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

privileges stated in their court order regarding phone calls. Refer to [CCOM Section 1904.6\(a\)\(8\)\(iv\) -Inmates with Pro Per Privileges](#).

4. Workstation Access

- (a) The Inmate TMRE system workstation provides the user interface to the telephone computer system.

██
██

██
██
██
██
██

- (d) Locations

- A. Intake Release Center
- B. Men's Central Jail Facility
- C. Women's Central Jail Facility
- D. Theo Lacy Facility

5. Authorized User Access

- i. Based on the authorized user's need for offsite monitoring, the Inmate TMRE system may also be accessed through approved computers, laptops, and other mobile devices per the Custody Intelligence Unit (CIU) Captain.

6. Requesting Access to the Inmate TMRE System

- i. Sheriff's Department employees requesting access to the Inmate ██████████
██
██ The request will be reviewed by the CIU Captain and the Assistant Sheriff of Custody Operations Command. All requests for access to the Inmate TMRE system will be granted on an individual, case by case basis.
- ii. All designated Sheriff's personnel accessing the Inmate TMRE system records will have a signed User Admonishment Form on file maintained by CIU. The admonishment forms maintained by CIU will be retained per the County's Records Retention Schedule.
- iii. Each approved user shall receive training on the use of the Inmate TMRE system and understand the full capabilities of the system as well as this policy. An approved user shall not use the Inmate TMRE system prior to completing such training. Training on the policies and use of the Inmate TMRE system will be conducted by CIU. Training records of the Inmate TMRE system will be maintained by CIU.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

- iv. Each approved and trained user shall keep their login and password information confidential. Each user login shall only be utilized by the person who is authorized and trained to use the Inmate TMRE system as described herein. Users shall not share their login and/or password with any other person or allow others to access the Inmate TMRE system with their login information.
 - v. The CIU Captain will perform an internal audit of the authorized users quarterly to determine their needs of maintaining access to the Inmate TMRE system.
7. Outside Agency Request for Records
- i. Formal requests for phone records in the form of discovery requests from a District Attorney's Office, or Subpoena Duces Tecum (SDT's) will be forwarded to the Discovery Bureau for processing.
 - ii. All other requests for recordings, call records, or other telephone records shall be submitted in writing on the requesting agencies' department letterhead. The written request shall include the specific reason for the request, the subject's name and booking number, the name, rank, and signature of the requesting official. These requests shall be directed to CIU for processing. Once approved, all outside agency requests for the Inmate TMRE system records shall be forwarded to CIU. CIU will process the request for records and shall be responsible for completing the Inmate Telephone Communications Cover Release Form and attaching it to the original request for telephone records. Each official request for the Inmate TMRE system records, along with the applicable Orange County Sheriff's Inmate Telephone Communications Cover Release Form shall be maintained by the CIU. All forms will be retained per the County's Records Retention Schedule
8. Legal Issues / Notifications
- i. In compliance with California Penal Code Section 636 (a), no Orange County Sheriff's personnel shall knowingly monitor or record privileged conversations between an inmate and their legal counsel, physician, or religious advisor when officially designated as such, without the permission of all parties to the conversation.
 - ii. Non-Monitored and Non-Recorded Phone Calls
 - A. Verified phone numbers submitted by the Orange County Public Defender's Office, Orange County Bar Association, Attorney Bonds, approved religious advisors and licensed physicians have been entered into the Inmate TMRE system database to prevent calls to these numbers from being recorded.
 - B. Inmate Request
 - 1. Phone numbers not included in the non-monitored and non-recorded database may be submitted for entry into the

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

database upon a written request of any inmate to any member of the jail staff or by requesting entity via ocssheriff.gov.

2. All inmate requests must be forwarded immediately to CIU, who will quickly verify that the person requesting unmonitored or unrecorded phone calls, qualifies to be entered into the non-monitored database.
3. If qualified, CIU will immediately notify an Inmate Services Division representative to have the phone number entered the non-monitored database. The Inmate Services Division representative will also notify the inmate that the number has been approved for non-monitored and non-recorded calls.

C. Official Request

1. The Orange County Sheriff's Department will verify the identity and relationship of an inmate's attorney, physician and/or religious advisor when requesting to have their phone numbers placed in the non-monitored and non-recorded database.
2. Once verified, the Orange County Sheriff's Department will respond to their official request to have their phone numbers placed in the non-monitored and non-recorded database.
3. Once approved, the Inmate Services Division representative will then place the phone number in the non-monitored and non-recorded database.

iii. Recorded Privileged Communication Phone Calls

- A. In any event where there is reason to believe that a privileged communication phone call is being recorded, the listener shall immediately stop listening to the call.
- B. The listener shall immediately notify CIU through Department email to confirm that the phone number used belongs to an attorney, physician, or religious advisor.
- C. Once confirmed, the listener shall notify an Inmate Services Division representative to have the phone number added to the non-monitored and non-recorded database.
- D. When a privileged communication phone call is recorded by the Inmate TMRE system and/or accessed by Orange County Sheriff's Department personnel, the following shall occur:
 1. Orange County Sheriff's Department personnel shall document the incident by writing an Information Report. The report shall include the inmate's information as well as the date and time the phone call was accessed. The report shall also include any other pertinent information regarding the incident as well as the information which led Orange County Sheriff's

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

Department personnel to believe that the recording was of a privileged communication.

2. All Information Reports regarding recorded privileged communication phone calls shall be forwarded to the CIU Captain. The CIU Captain shall notify and send the reports to the District Attorney's office. Furthermore, CIU Captain, or their designee, will notify the contracted vendor to add the number to the non-monitored and non-recorded database and to segregate any recordings previously made of calls to that number.

iv. Inmates with Pro Per Privileges

- A. Depending on the specifications of a Pro Per inmate's court order, some Pro Per inmates are granted the privilege of unmonitored collect calls and/or non-collect calls.
- B. Non-collect phones are not linked to the Inmate TMRE system; therefore, they are not recorded.
- C. Unless a phone number is in the non-monitored and non-recorded database or the terms of a Pro Per inmate's court order states otherwise, collect calls will be recorded.
 1. If a Pro Per inmate's court order states collect calls will be unmonitored, no one will be allowed to listen to the phone call or the recording.
- D. It shall be the responsibility of each authorized user of the Inmate TMRE system to determine if an inmate has Pro Per status and what privileges the inmate has, pursuant to their court order, in relation to phone calls. Authorized users shall determine this accordingly:
 1. The Pro Per Sergeant will provide the CIU Sergeant with a list of Pro Per inmates.
 2. The CIU Sergeant shall make the list available to all CIU staff with access to the Inmate TMRE system and forward the list to non-CIU staff who have access to the recordings database.
 3. The Pro Per Sergeant shall update the list whenever an inmate's Pro Per status has changed.
 4. The list shall reference the type of phone privileges that have been ordered by the court for the particular Pro Per inmate.
- E. If CIU staff or other authorized non-CIU staff members determine that the Pro Per inmate is allowed unmonitored collect calls, any recordings linked to that inmate's PIN shall not be accessed or listened to without further order of the court.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Inmate Telephone Calls

- F. If CIU staff or other authorized non-CIU staff members determine that the Pro Per has not been granted special phone privileges, then the recordings may be accessed or listened to.
 - 1. If a Pro Per inmate contacts an attorney, physician or religious advisor, and their number is not in the non-monitored or non-recorded database, the phone call could potentially be recorded. If, at any point while listening to a Pro Per's recorded call, staff determines the communication may be privileged, staff shall immediately cease listening to the recording, and follow the process described in [CCOM Section 1904.6\(a\)\(8\)\(iii\) - Recorded Privileged Communication Phone Calls](#).
- v. The Inmate TMRE system shall play a recorded admonishment that both the inmate and the recipient of the call will hear prior to the call being accepted by the called party. The pre-recorded prompt will notify the inmate and the recipient of the call that the call they are making/receiving is being recorded and may be subject to monitoring. The admonishment will be played to both inmate and recipient of inmate calls and will be available to them in English, Spanish, Vietnamese, Cantonese, Portuguese, French, Armenian, and Mandarin. The inmate and the recipient are required to "acknowledge" the recording of the calls by pressing "1" before the call will proceed. If either the inmate or the call recipient fails to press "1" the call will be terminated.
- vi. Notices in English, Spanish and Vietnamese, will advise inmates of potential telephone monitoring and recordings. These notices will be prominently posted in the areas next to all inmate telephones. The notice will read as follows:
 - A. "NOTICE! Telephone calls will be recorded and may be monitored."
- vii. Inmates at intake will receive written notice of the fact that calls made on the inmate telephone system are recorded and subject to monitoring. Inmates are expected to sign the form to acknowledge receipt of the notice. If an inmate refuses to sign, the intake Deputy will write "Refused to sign" on the form and the form will be placed in the inmate file.