

### Telephone procedures

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#### 1. Purpose

These procedures support and operationalise [Policy Directive 36 - Communications](#). They aim to provide clear directions and standards to assist staff with the management of the prisoner telephone system.

#### 2. Scope

These procedures apply to both public and private prisons.

#### 3. Definitions

<b>common contact list</b>	The list of telephone numbers available on the Prisoner Telephone System to all prisoners at the respective prison.
<b>Designated Superintendent</b>	The Superintendent as defined in s 36 of the <a href="#">Prisons Act 1981</a> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <i>Prisons Act 1981</i> . Does not extend to the Officer in Charge of a prison.
<b>foreign national</b>	A person who is not an Australian citizen.

<b>officer-initiated telephone call</b>	Where an officer establishes a call through the prisoner telephone system using a generic PIN.
<b>out of country/ remote prisoner</b>	Any prisoner who is socially isolated and the prisoner's family and friends are unable to visit, generally due to the distance required to attend the prison.
<b>out of country/ remote allowance</b>	The provision of 2 free 10-minute calls to eligible out of country/remote prisoners as prescribed in these procedures.
<b>PTS</b>	Prisoner Telephone System.
<b>remand prisoner</b>	For the purpose of these procedures, remand includes an appeal class prisoner who is appealing their current conviction.
<b>Restraining Order</b>	Means a Violence Restraining Order or Misconduct Restraining Order made under the <a href="#"><u>Restraining Orders Act 1997</u></a>
<b>superintendent</b>	The Designated Superintendent or Officer in Charge (OIC) of a public prison and the Director or OIC of a private prison.

## Procedures

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### 4. General

- 4.1 Designated Superintendents shall have procedures in place to manage the use of the prisoner telephone system (PTS) at their respective facilities. The procedures shall provide for:
- the approval and adding of telephone numbers
  - the means for depositing funds to prisoner telephone accounts
  - the conditions and levels of access permitted
  - the monitoring of recorded telephone calls in accordance with the security needs of the facility.
- 4.2 Superintendents shall ensure prisoners are made aware of the relevant procedures (in line with [Policy Directive 18 – Prisoner Orientation](#)).
- 4.3 Prisoners shall not be permitted access to telephone books. Where requested and subject to security considerations, staff shall provide assistance with sourcing telephone numbers.

### 5. Management of the PTS

- 5.1 In locations that do not have a PTS capable of recording telephone calls (eg. work camps) the Designated Superintendent shall establish procedures to ensure that the appropriate use and monitoring of prisoner telephone calls.
- 5.2 Prisoners shall be required to request the addition or amendment of telephone numbers on their PTS account via the use of a 'Prisoner Telephone Application Form' (Form C003).
- 5.3 In addition to the telephone number, the prisoner is required to state whether the call is a personal call (friends or family) or legal call.
- 5.4 Recipients must agree not to forward or divert calls to other telephone numbers, establish conference calls between the prisoner and third parties or converse with another prisoner during a call.
- 5.5 The Designated Superintendent shall maintain a 'common contact list' in line with [Prison Order 02/2017 Appendix 1 – Common telephone numbers](#). The list shall be explained to prisoners and displayed in relevant areas of the prison visible to prisoners.

#### Personal calls

- 5.6 All requests for the addition or amendment of telephone numbers for personal calls should include the name and address of the person which the telephone is registered.
- 5.7 Prior to approving a request for an addition to a prisoner's telephone contact list, or an amendment to the existing list, the Designated Superintendent shall ensure that the following are checked:
- that the number belongs to the person identified on the request

- that the person is willing to have their number added to the prisoner's PTS account
- that a victim alert does not exist for the proposed recipient or any other person at the address where the telephone is located
- that the call would not breach the terms of any active Restraining Order
- that no person at the address where the telephone is located has indicated they do not wish to receive communications from that prisoner.

## **Legal calls**

- 5.8** The Designated Superintendent shall nominate specific officers (of a rank of Senior Officer or above) who are required to check the bona fides of legal telephone call additions or amendments on prisoners' telephone lists.
- 5.9** Prior to any legal telephone number being added or amended on a prisoner's PTS list, a nominated officer (refer Section 5.8 above) shall check that the telephone number requested is associated with a bona fide legal practitioner or firm, by first checking that the practitioner is a current (practising) certificated legal practitioner. Legal practitioners can be located via the Legal Practice Board of Western Australia's [General Roll](#) or on the Department of Attorney General's list of [Certified Legal Practitioners](#).
- 5.10** If initial checks are undertaken above raise suspicion as to the bona fides of the legal practitioner, further enquiries are to be undertaken by a nominated officer directly with the legal firm (if applicable).
- 5.11** Following checks conducted in accordance with Sections 5.9 and 5.10 above, the nominated officer shall ensure that the certified legal practitioner is willing to have their number added to the prisoner's PTS account.
- 5.12** Once the appropriate checks have been undertaken in accordance with these subsections and the nominated officer is satisfied that the request is bona fide, the application is to be endorsed by the nominated officer and forwarded to the Designated Superintendent (or delegate, of a rank of Principal Officer or above) for approval. The Designated Superintendent (or delegate in accordance with this subsection) shall satisfy themselves that appropriate checks have been undertaken before approving the addition or amendment of legal telephone numbers. The officer approving the addition or amendment of legal telephone numbers in accordance with this Section is not to be the same officer conducting the checks in accordance with Sections 5.9 to 5.11 above.
- 5.13** Other official telephone numbers shall be added or amended on a prisoner's PTS list as directed by the Deputy Commissioner Operational Support in consultation with Intelligence Services.

## **6. Telephone call allocation**

- 6.1** Remand prisoners may make five (5) local telephone calls per week at the prison's expense. In exceptional circumstances, the Designated Superintendent may approve additional telephone calls.
- 6.2** Foreign national prisoners may telephone the local Consular Official of the overseas country of which they are a citizen at the prison's expense.

## **Out of country/remote allowance**

**6.3** Subject to the following, out of country/remote prisoners are eligible to receive 2 free 10-minute calls to family/friends per week (calls may be made intrastate, interstate or international):

- Out of country/remote prisoners are not eligible for the allowance when they have adequate funds to maintain contact without such assistance.
- Out of country/remote prisoners are not eligible for the allowance when they have been able to utilise video visits through subsidised departmental facilities within the previous week.
- Calls/credits must not be allowed to accumulate (in exceptional circumstances, the Designated Superintendent may approve accumulation of the allowance).
- The Designated Superintendent shall ensure that the provision of this allowance is monitored to ensure that accumulation does not occur without their express approval and that prisoners with adequate funds are not in receipt of an allowance.
- Where a prisoner is found to have abused or intentionally misused the telephone allowance system, a loss of privilege (eg. suspension of allowance) may be imposed in line with these procedures and [Adult Custodial Rule 3 - Privileges](#).

## **7. Officer-initiated calls**

**7.1** The Designated Superintendent shall nominate an officer, or a group of officers, to approve officer-initiated telephone calls.

**7.2** The Designated Superintendent shall ensure that a register is maintained recording all officer-initiated calls.

**7.3** The nominated officer(s) may approve an officer-initiated telephone call where:

- in the opinion of the officer approving the call, the call is of a compassionate nature (eg. a recent family bereavement, severe illness of a family member, special family events etc)
- there is a compelling need for the call because the prisoner is considered to be at risk of self harm
- the call meets the criteria outlined at Section 8.2 of the [Policy Directive](#)
- the prisoner does not have adequate funds to make the call and wishes to contact their registered legal practitioner and time factors preclude the prisoner utilising written correspondence
- the prisoner is transferred from one prison to another and wishes to inform a family member or other person of their location
- the call is part of a formal therapeutic programme
- the call is an inter-prison call and complies with [Section 13](#) below.

**7.4** Prior to providing an officer-initiated call, officers shall obtain authorisation from a nominated officer, record the authorisation and who incurred the cost of the call (eg. the prison or the prisoner) in the register.

## **8. Incoming calls**

Prisoners shall not receive incoming telephone calls. If a call is received for a prisoner regarding an urgent matter (eg. family emergency) the receiving officer shall:

- seek information from the caller as to the specific details
- attempt to verify the information with relevant authorities (where applicable) before passing the message on
- relay the message to the prisoner as soon as practicable.

## **9. Reverse charge calls**

Prisoners shall not make reverse charge telephone calls.

## **10. Loss of privilege – Telephone calls**

**10.1** Prisoners shall not use the telephone system to abuse, threaten, intimidate or harass call recipients. Such behaviours may result in the loss of telephone call privileges, as deemed appropriate by the prison's Security Manager.

**10.2** The removal or reduction of a prisoner's access to telephone calls shall only occur:

- where the prisoner's actions directly relate to the abuse of the PTS; and
- following the consideration of alternate management options, if available.

**10.3** Loss of privileges shall be managed in accordance with [Adult Custodial Rule 3 - Privileges](#).

**10.4** In the event that a prisoner's telephone privileges are removed in line with this Section, prisoners shall be entitled to minimum telephone usage in line with [Section 11](#) below.

## **11. Minimum telephone entitlement**

Regardless of a prisoner's regime (refer [Policy Directive 3 – Hierarchy of Prisoner Management Regimes](#)), as a minimum, prisoners shall be permitted to:

- make calls to their registered legal adviser regarding matters about the prisoner's current sentence or pending appeal/charges
- make calls to the Ombudsman's office
- make at least one welfare call per day to approved social contacts.

## **12. Shut down of PTS**

**12.1** In the event of a death of a prisoner (in line with [Policy Directive 30 - Death of a Prisoner](#)), or an emergency situation within a prison, the superintendent shall ensure that the PTS is shut down immediately.

- 12.2** In locations where prisoners do not have access to a PTS, officers shall restrict prisoner telephone access.
- 12.3** The restriction to telephone access or PTS shall remain in place until the superintendent determines otherwise.

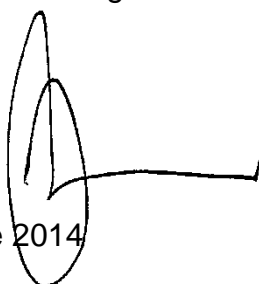
### **13. Inter-prison calls**

Prisoners may make inter-prison calls between close family members and other significant persons with the approval of the superintendents of both prisons. All inter-prison calls shall take the form of an officer-initiated telephone call via the PTS.

### **14. Approved**

Commissioner or delegated authority as per PD 36:

Signature:



Date: 26 June 2014

### **15. Policy sponsor**

Assistant Commissioner Custodial Operations

### **16. Contact person**

The following person may be approached on a routine basis in relation to this policy:

Principal Operational Policy Officer

### **17. Version history**

<b>Version</b>		<b>Approved</b>	<b>Effective from</b>
1.	First published (previously part of PD, now updated and published separately as appendix)	27 February 2013	8 April 2013
2.	Amended	26 June 2014	26 June 2014
3.	Amended	23 February 2017	27 February 2017
4.	Amended	17 August 2020	21 August 2020