

Policy Directive 023-024

DATE: December 5, 2023

TO: Executive Steering Council

FROM: Rob Jeffreys, Director

RE: Policy 205.03, *Inmate Calling System*

Effective immediately, the following changes will be in effect concerning the above-mentioned Policy. These revisions will be incorporated into Policy 205.03 during the next scheduled review. You may contact Deputy Director Dawn-Renee Smith with questions regarding this change.

Page 5, III.A.1. insert new **BOLD** section III.A.1.b. and renumber remaining sections:

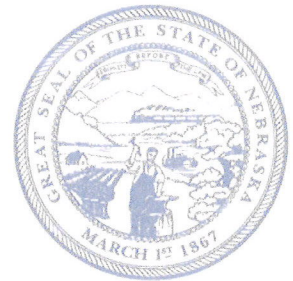
III. INCARCERATED INDIVIDUAL CALLING SYSTEM PROCEDURES

- a. A name and/or telephone number submitted for social calling purposes may be entered on multiple incarcerated individual accounts only where a verified immediate family relationship exists and on just one other nonfamily member incarcerated individual account as a friend. The incarcerated individual will be notified in writing when entry of a telephone number on his/her ICS Registration Form is denied.
- b. **Credentialed news media representatives may be allowed on more than one incarcerated individual's phone list and can be added at any time.**
- c. Incarcerated individuals who have not registered with the ICS must do so to be assigned a PIN and input the desired number. Incarcerated individuals are required to sign the ICS Special Registration form to use the ICS to call attorneys.

Rob Jeffreys, Director
Department of Correctional Services

P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654 Fax: 402-479-5623

corrections.nebraska.gov



Jim Pillen, Governor

Policy Directive 023-027

DATE: December 18, 2023

TO: Executive Steering Council

FROM: Rob Jeffreys, Director

RE: Policy 205.03, *Inmate Calling System*

Effective immediately, the following changes will be in effect concerning the above-mentioned Policy. These revisions will be incorporated into Policy 205.03 during the next scheduled review. You may contact Deputy Director Dawn-Renee Smith with questions regarding this change.

Page 5, III. INCARCERATED INDIVIDUAL CALLING SYSTEM PROCEDURES, insert new III.A.3. and renumber remaining sections of III.A.:

III. INCARCERATED INDIVIDUAL CALLING SYSTEM PROCEDURES

3. Adding Department of Health and Human Services (DHHS) Caseworkers to the incarcerated individual's phone list:
 - a. Incarcerated individuals will submit a Standard ICS Registration form to their unit staff with the name, state phone number (no personal phone numbers), and location (city or county) of their assigned DHHS caseworker.
 - b. Unit staff will forward the Standard ICS Registration form to the designated facility contact.
 - c. The designated facility contact will reach out to the respective service area administrator and verify the DHHS caseworker, phone number, and that this access is permitted. (Attachment D)
 - d. If the access is approved, the Standard ICS Registration form will be forwarded to the central office ICS administrator to be added to the incarcerated individual's phone list.
 - e. If the access is denied, the Standard ICS Registration form will be returned to the incarcerated individual. The facility contact will note on the ICS form why the access is denied.

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Department of Correctional Services

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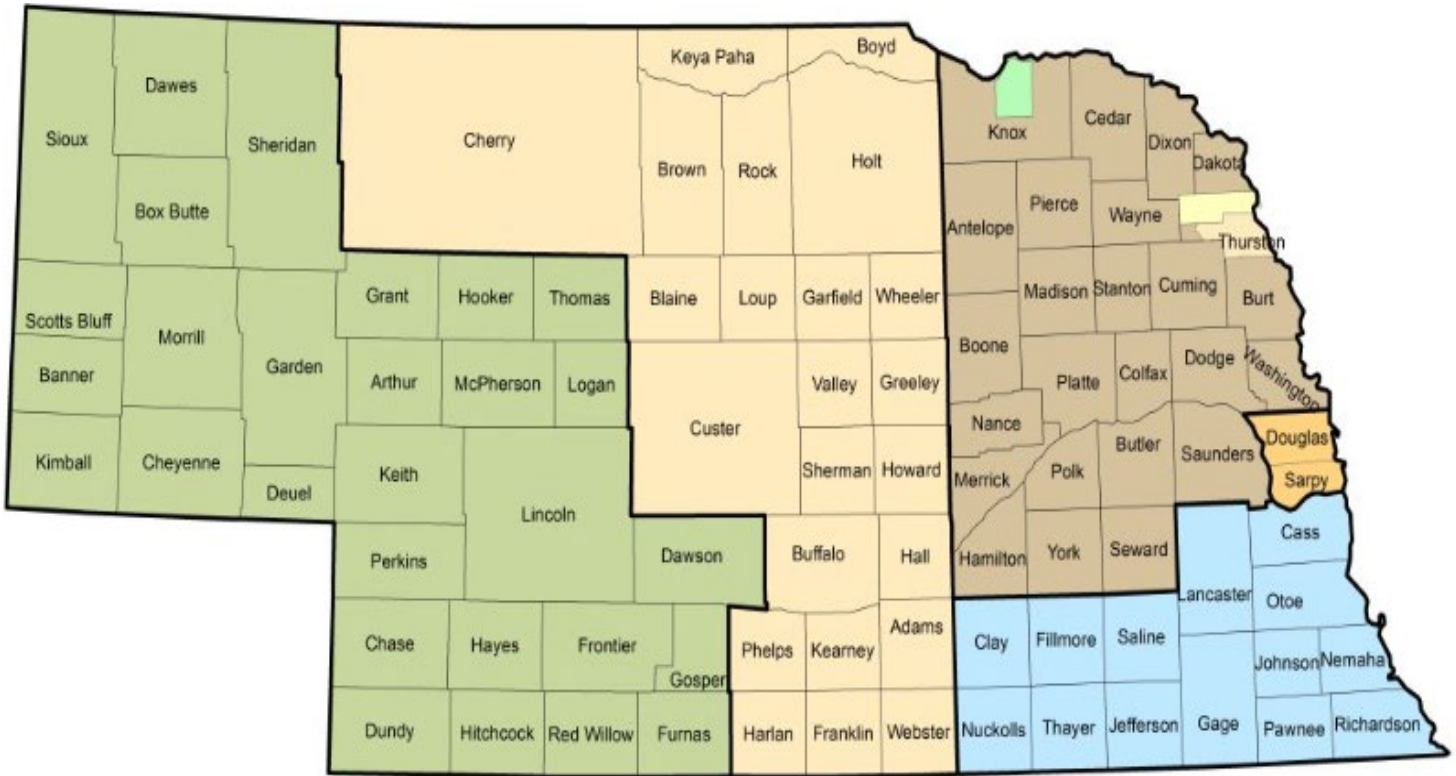
Page 13, III. ATTACHMENTS, add new Attachment D. *Service Area Administrators*:

III. ATTACHMENTS

- A. ICS Standard Registration
- B. ICS Special Registration
- C. NDCS Phone Dialing Instructions
- D. Service Area Administrators

Service Area Administrators

Foster Care Licensing & Placement	Lori Harder	402-419-6670	Lori.Harder@nebraska.gov
Central	Kathleen Stolz	308-385-6173	Kathleen.Stolz@nebraska.gov
Eastern	Lana Verbrigghe	402-595-3905	Lana.Verbrigghe@nebraska.gov
Southeast	ReMonte Green	402-471-1353	Remonte.Green@nebraska.gov
Northern	Kathleen Stolz	308-385-6173	Kathleen.Stolz@nebraska.gov
Western	Brenda Brooks	308-535-8042	Brenda.Brooks@nebraska.gov



<p>Western</p> <p>Alliance Bridgeport Chadron Cozad Gering Imperial Kimball Lexington McCook North Platte Ogallala Rushville Scottsbluff Sidney</p>	<p>Central</p> <p>Ainsworth Broken Bow Grand Island Hastings Holdrege Kearney O' Neill Ord Valentine</p>	<p>Northern</p> <p>Albion Blair Center Columbus Dakota City David City Fremont Neligh Norfolk Pender Pierce Seward South Sioux City Tekamah Wahoo Wayne West Point York</p>	<p>Eastern</p> <p>Omaha Papillion</p>	<p>Southeast</p> <p>Auburn Beatrice Clay Center Crete Fairbury Falls City Geneva Hebron Lincoln Nebraska City Plattsmouth Tecumseh</p>
<p>Santee Tribe - Nebr</p> <p>Niobrara</p>	<p>Winnebago Tribe - Nebr</p> <p>Winnebago</p>	<p>Omaha Tribe - Nebr</p> <p>Macy</p>		

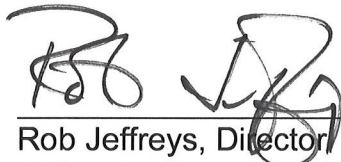
NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY INMATE CALLING SYSTEM		
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EFFECTIVE: June 1, 1997
 REVIEWED: September 3, 2013
 REVIEWED: December 5, 2014
 REVISED: August 31, 2015
 REVISED: August 31, 2016
 REVISED: August 31, 2017
 REVISED: December 31, 2018
 REVISED: December 31, 2019
 REVISED: October 31, 2020
 REVISED: May 31, 2021
 REVISED: November 30, 2022
 REVISED: December 31, 2023


SUMMARY OF REVISION/REVIEW

PROCESS – X.A.6. – updated to \$299. Minor grammar changes throughout.

APPROVED:



Rob Jeffreys, Director
 Nebraska Department of Correctional Services

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PURPOSE


To provide Nebraska Department of Correctional Services (NDCS) policy for the operation of the Inmate Calling System (ICS) for confidential and social telephone calls. This policy shall provide practical and equitable access to reasonably priced telephone services for the purpose of maintaining family and community contacts and communication with attorneys, the courts, and other federal/state officials as specified herein. Telephone usage by incarcerated individuals is a privilege that may be restricted or withheld to protect the public, to ensure the safety, security, or good order of agency and to enforce NDCS rules and State statutes.

This policy is applicable to all NDCS facilities. Protection of the public, facility safety and security, crime prevention/detection/prosecution, and incarcerated individual access are the priorities. Facility specific procedures shall be developed to ensure that the use of telephones by incarcerated individuals is controlled and supervised. Procedures shall be consistent to the extent practical among all NDCS facilities. Incarcerated individuals shall have access to this policy and are required to comply with its provisions. All recommendations for changes to the ICS shall be submitted in writing through the appropriate deputy director to the NDCS director for approval prior to implementation.


DEFINITIONS

- I. **ACCESS** - Authorization granted to a specific person to allow direct contact, and/or knowledge of, possession of, or use of confidential equipment and/or information. Access is generally used in conjunction with right-to-know or need-to-know.
- II. **ASSISTANT DEPUTY DIRECTOR-INTELLIGENCE & INVESTIGATIONS** - The assistant deputy director-intelligence & investigations, under the supervision of the deputy director–prisons, shall be responsible for administrating the ICS, reviewing and commenting on recommended system changes. The assistant deputy director shall serve as the liaison between NDCS facilities, external agencies, and the contract telephone service vendor(s).
- III. **ATTORNEY CALLS** - Telephone calls between an incarcerated individual and an attorney are eligible for confidential status. To qualify for confidential status, an attorney must be licensed to practice law. Confidential status includes paralegals, and law clerks supervised by the attorney.

Incarcerated individuals may participate in confidential three-way calls, call forwarding or conference-calling telephone services regarding access to courts only if an attorney requests they do so in advance of the call.
- IV. **AUTOMATED OPERATOR SYSTEM (AOS)** - A computerized alternative to a live operator that provides an interface between the incarcerated individual and the ICS. The AOS can provide instructions and announcements on a selective, bilingual basis.
- V. **CALL BRANDING** - A caller-selectable, multi-lingual, pre-recorded automated announcement generated by the AOS.
- VI. **CALL MONITORING** - Live electronic interception and listening by team members to a telephone conversation between an incarcerated individuals and one or more parties through a specialized system connected to the ICS.

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- VII. **CALL RECORDING** - Electronic interception and storage of all sounds and conversations between an incarcerated individual and one or more parties through a specialized system connected to the ICS.
- VIII. **CENTRAL OFFICE ICS ADMINISTRATOR** - The person designated at NDCS central office who is trained and equipped to perform all functions related to day-to-day ICS operations including, but not limited to: coordination of ICS operations, technical assistance, training, data collection, data input, system maintenance, report generation.
- IX. **CONFIDENTIAL CALL STATUS** - Calls to the Office of the Public Counsel (Ombudsman and Inspector General) shall have confidential call status and are not recorded by ICS equipment or monitored. Calls to elected federal and state officials, are eligible for confidential status at the discretion of the individual elected official. If confidential status is requested, calls are not recorded by ICS equipment or monitored.
- NOTE: Incarcerated individuals are not required to submit a registration form to make calls to the Office of Public Counsel (Ombudsman). Speed-dial 01# is provided to allow an incarcerated individual to call the Office of the Public Counsel (Ombudsman and Inspector General) free of charge. Calls to the Office of the Public Counsel (Ombudsman and Inspector General) have the same duration limits and confidential status as attorney/client calls.
- X. **CONFIDENTIAL INFORMATION** - Information related to facility security or individual privacy which must be protected from dissemination to anyone who does not have authorized access, based on the need-to-know, or the right-to-know, in accordance with NDCS rules or state statutes.
- XI. **EMERGENCY DISSEMINATION OF CONFIDENTIAL INFORMATION** - Where the NDCS director, warden or person acting in his/her absence determines it is necessary to disseminate confidential information to anyone who does not meet the right-to-know or need-to-know criteria in verified circumstances where there is an imminent danger of harm to a person or property.
- XII. **EMERGENCY TELEPHONE CALL** - A telephone call authorized due to serious illness, death or impending disaster affecting an incarcerated individual's immediate family.
- XIII. **ICS SPECIAL REGISTRATION FORM** - A form used exclusively to add/delete/change telephone numbers, names, and physical business addresses of attorneys and all others who are eligible for confidential call status (see DEFINITION X.).
- XIV. **ICS STANDARD REGISTRATION FORM** - A form used by an incarcerated individual to request participation in the ICS and to acknowledge acceptance of the telephone regulations. This form is used to submit/change telephone numbers, names, and physical addresses of people the incarcerated individual requests to place on their authorized social call list.
- XV. **INMATE CALLING SYSTEM (ICS)** - The name given to the specialized program and equipment which governs incarcerated individual telephone access.
- XVI. **PERSONAL IDENTIFICATION NUMBER (PIN)** - A unique, ten-digit number assigned to an incarcerated individual's ICS account that allows the incarcerated individual access to the telephone system. The PIN is comprised of the incarcerated individual's prison identification number and a confidential randomly-generated four-digit number.

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- XVII. **SITE SYSTEM COORDINATOR (SSC)** – A team member authorized limited access to the ICS data base to perform data entry, generate reports and activate restrictions at the facility level.
- XVIII. **SITE SYSTEM OPERATOR (SSO)** – A manager designated at each NDCS facility charged with the responsibility for the oversight and control of ICS at the facility level.
- XIX. **SOCIAL CALLS** – Recorded and monitored telephone calls between an incarcerated individual and family, friends or acquaintances, which are intended to promote personal relationships and are not eligible for confidential status.
- XX. **SPEED-DIAL NUMBER** - A number that corresponds to actual telephone number(s) provided by the Department and programmed into the ICS. The Speed-Dial Number may be made available for use by an incarcerated individual when making a telephone call.

PROCESS

Access to the ICS is a privilege granted to all incarcerated individuals who demonstrate a willingness to obey NDCS regulations. Incarcerated individuals are permitted to make limited local, intra/interstate and international calls.

I. USE OF TELEPHONES BY INCARCERATED INDIVIDUALS

- A. The warden or higher authority, may limit or suspend an incarcerated individual's calling operations for the protection of the public, or the safety, security, and good order of a facility, team members, or incarcerated individuals.
- B. Abusing telephone equipment is prohibited. Committing violations of law or the conspiracy to commit violations of law in association with the use of the ICS shall be considered a violation of this policy. Disciplinary sanctions may be imposed for violations of telephone regulations. Telephone privileges may be restricted by a Disciplinary Committee for violations of Code of Offenses or NDCS policies.
- C. Incarcerated individuals are prohibited from making telephone calls to NDCS team members, Board of Parole members/team members, contract personnel, or volunteers. Team members, contract personnel, and volunteers are prohibited from accepting telephone calls from incarcerated individuals. An exception is telephone calls to NDCS team members in conjunction with community release check-in procedures. No telephone communication is authorized between volunteers and incarcerated individuals at NDCS facilities; however, exceptions may be authorized by the facility warden at the Community Corrections Center–Omaha (CCC-O) and Community Corrections Center–Lincoln (CCC-L) on a case-by-case basis.
- D. No pager numbers, 411, 600, 700, 800, 900 or 911 numbers may be added to an incarcerated individual calling list. Incarcerated individuals are permitted to call approved cellular telephone numbers.
- E. Incarcerated individual-to-incarcerated individual calls are prohibited.

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II. TELEPHONIC JUDICIAL HEARINGS

Telephonic judicial hearings will be conducted over the facility team member telephone system on an “as needed” basis. Telephonic judicial hearings are not subject to recording or monitoring but shall be directly supervised by team members. Telephone calls for this purpose do not count toward the incarcerated individual’s allotted time block. (ACI-3D-02, ACRS-6A-01)

III. INCARCERATED INDIVIDUAL CALLING SYSTEM PROCEDURES


A. To participate in the ICS, an incarcerated individual must complete a *Standard ICS Registration* form (Attachment A) for social calls and/or an *ICS Special Registration* form (Attachment B) for confidential calls. (ACI-3D-02, ACRS-6A-01)

1. Each incarcerated individual may submit up to 30 telephone numbers representing social, attorney confidential status calls. Telephone numbers entered into a particular incarcerated individual’s account are strictly limited to the exclusive use by that incarcerated individual. Incarcerated individuals are prohibited from submitting telephone numbers for use by another incarcerated individual.
 - a. A name and/or telephone number submitted for social calling purposes may be entered on multiple incarcerated individual accounts only where a verified immediate family relationship exists and on just one other non-family member incarcerated individual account as a friend. The incarcerated individual will be notified in writing when entry of a telephone number on his/her ICS Registration Form is denied.
 - b. Incarcerated individuals who have not registered with the ICS must do so to be assigned a PIN and input the desired number. Incarcerated individuals are required to sign the ICS Special Registration form to use the ICS to call attorneys.
2. Attorney telephone numbers will be clearly identified on the ICS Special Registration form. Facility team members will verify attorney telephone numbers prior to submitting the ICS Special Registration form to the central office ICS administrator.
3. Designated facility team members will review and sign the original registration form prior to forwarding it to the central office ICS administrator.
4. Completed registration forms must contain the called party’s first and last name, physical address where they reside or, if applicable, the physical address of the business, or in the case of Special Registration Form, the physical address of the business. All information shall be accurate and is subject to verification prior to or after entry into the ICS database. Submission of false information may result in disciplinary action and/or restriction of telephone privileges.
5. Newly committed incarcerated individuals/safe keepers may submit two phone sheets within the first 90 days of arrival at the Reception and Treatment Center (RTC), Nebraska Correctional Center for Woman (NCCW), and the Nebraska Correctional Youth Facility (NCYF). Changes (additions/deletions) to an incarcerated individual’s social call list shall be submitted using the Standard ICS

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Registration Form. Changes are allowed for social calls once every 90 days, except for emergencies as defined by this policy. This 90-day time period is computed as 90 days from the date the incarcerated individual signed the most recent ICS Registration Form. Additions, deletions, and changes related to calls to attorneys may be made at any time by submitting a special registration form and shall be entered and confirmation returned to the incarcerated individual.

6. For verified emergency cases; during normal business hours, an attorney phone number can be added to an incarcerated individual's approved calling list, most often the same business day by submitting an ICS Special Registration form to team members.
7. The warden may authorize emergency changes to the social call list on a case-by-case basis. Extraordinary circumstances may include verified family emergencies or the change in a family member's telephone number.
8. Call list information will be programmed into the ICS database within 3 business days upon receipt by the central office ICS administrator. Delays to this time frame may be ordered by the warden for just cause. The central office ICS administrator will make two copies of the original ICS registration form. The original ICS registration form will be sent by the central office ICS administrator to the facility records office for placement in the incarcerated individual's facility file. One copy will be retained by the central office ICS administrator and one copy will be returned to the incarcerated individual with his/her assigned PIN. Changes made for attorneys shall be made within 48 hours of the receipt of a properly completed ICS special registration form. Team members will send an email to the central office ICS administrator with the ICS special registration form attached. Between the hours of 5:00 PM Friday to 8:00 AM Monday and on State-recognized holidays.
 - B. The central office ICS administrator will generate each incarcerated individual's confidential four-digit Personal Identification Number (PIN). Incarcerated individuals are not permitted to use or possess another incarcerated individual's PIN or use another incarcerated individual's ICS account for any reason. An incarcerated individual is not permitted to divulge to another incarcerated individual his/her assigned PIN or call list information. PIN changes may be made on a case-by-case basis upon approval by the warden/designee after review of the circumstances requiring the change.
 - C. Incarcerated individuals are not permitted to use the telephone to conduct business enterprise or to make purchases of any kind. Incarcerated individuals may use the ICS to communicate with their employers or with prospective employers in association with work release participation or other release preparation.
 - D. All incarcerated individual telephone calls placed through the ICS may be processed as collect, debit, or prepay. Each month an indigent incarcerated individual will be given a choice of five stamps or \$2.50 debit calling time; however, the total accumulation on the ICS will not be allowed to exceed \$10. The incarcerated individual must identify his/her choice at the time that the indigent request is made. Incarcerated individuals are not permitted to make third-party billing or credit card calls. Indigent status incarcerated individuals will be allowed to use select telephones at community corrections facilities.

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- E. Incarcerated individuals are not permitted to participate in three-way calls, call forwarding, or conference calling telephone services for social calls.
- F. The ICS is programmed to allow the called party to block all future calls from incarcerated individuals and all future calls from all facilities. The called party is prompted to press the 2 keys at which time they are prompted to enter a four-digit PIN. If they choose to remove the block, they will need to call GTL/ViaPath customer service and provide the four-digit PIN to unblock calls.
- G. Any person may have his/her telephone number blocked by providing a written request. Reinstatement of blocked numbers will be considered on a case-by-case basis upon receipt of a written request. Victim/witness telephone numbers shall be denied and/or blocked if such information is known to facility team member and/or the central office ICS administrator.

IV. CALL SCHEDULING


Incarcerated individuals will be issued tablets for the purpose of making phone calls; however, phone tablets are not allowed in restrictive housing (see Section IV.A. below). As each incarcerated individual has a tablet there is no scheduling need to make phone calls and incarcerated individuals are allowed to make up to 60 minutes of phone calls per day. The tablets are property of NDCS and will be issued and collected whenever the incarcerated individual transfers into or out of the facility. The tablets are not intended to be used outside of the housing units. The 60 minute limit only applies to the tablets, the wall phones will still be in place but incarcerated individuals will only have 15 minutes on a wall phone.

Attorney/client and confidential status calls will be limited to 60 minutes per week.

For wall phones, a call schedule roster may be utilized to permit reasonable and equitable access to all incarcerated individuals. The use of rosters can prevent scheduling conflicts and domination by an individual or group of incarcerated individuals. Sign-up is on a first-come, first-serve basis.

Call duration for wall phones will be set by the appropriate deputy director. Each facility will publish wall phone call duration information in the corresponding procedure. An incarcerated individual may make an unlimited number of call attempts to any combination of the telephone numbers on his/her authorized call list during the allotted time period. Based on time periods available and day-to-day demand, there is no guarantee an incarcerated individual will be able to schedule a call every day or at the desired time. When there is an open time slot on any given day an incarcerated individual may request to be placed in that slot in order to make an attorney/client and Ombudsman call.

No telephone calls shall be placed during count times and times of emergency or be permitted to interfere with security operations. Specific telephone access times shall be included in facility Procedure. Team members are responsible for enforcing telephone regulations. In the event a facility is on a modified operational schedule for an extended period of time, the respective deputy director may authorize extended telephone access times for tablets up to 24 hours per day/7 days a week, excluding count times and times of emergency.

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A. Restrictive Housing Incarcerated Individuals

Telephone schedules for Immediate Segregation (IS) and Longer-Term Restrictive Housing (LTRH) status incarcerated individuals will provide reasonable access consistent with the restrictive housing unit schedule. Restrictive housing telephone calls are further limited as follows: (ACI-4A-25, ACI-4A-26)

1. IS: Incarcerated individuals will be permitted one 15-minute time block per week.
2. LTRH: Incarcerated individuals will be permitted one 15-minute time block per week.

B. Emergency Telephone Calls

Outgoing emergency calls that cannot be made as either a collect or debit call (i.e. community hospital) will be made on the facility telephone system at the warden/designee discretion. Incoming emergency telephone calls will be routed to the appropriate unit team members or shift supervisor who will record and verify the information and arrange a return call by the incarcerated individual if deemed appropriate.


V. RECORDING/MONITORING/BRANDING

- A. All incarcerated individual telephone calls utilizing the ICS and not eligible for confidential status shall be electronically recorded and may be monitored by authorized NDCS team members. At the discretion of the NDCS director, telephone recording and monitoring may be suspended.

Attorney/client calls and calls to individuals with confidential call status (see DEFINITION X). are eligible for confidential status and are not recorded by ICS equipment or monitored by team members.

- B. Use of the ICS by the incarcerated individual and acceptance of the call by the called party-constitutes consent to record and monitor social call conversations by NDCS team members. Written notice shall be posted at each telephone location advising the incarcerated individual of the policy on recording and monitoring. Posted signs shall be printed in English and Spanish. Incarcerated individuals will receive written notice printed on each Standard ICS Registration Form. The incarcerated individual shall be required to sign the Standard ICS Registration Form acknowledging acceptance of the conditions for use of the telephone for making calls. The incarcerated individual shall receive a copy of the completed form. Refusal to sign the standard or special ICS Registration form shall result in telephone privileges being withheld for all calls.

- C. All telephone calls through the ICS shall be electronically branded with a pre-recorded automated announcement utilizing the AOS. The incarcerated individual will be electronically blocked from hearing or communicating with the called party until the call is accepted. Electronic security measures will be utilized to prevent an incarcerated individual from interfering with or altering the announcement. Branded announcements will be made available in English, Spanish and other languages as required. At a minimum, the announcement will provide the following information:

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1. The call is “collect” or “prepaid”
2. The first and last name (committed) of the incarcerated individual caller
3. The name and location (city and state) of the facility
4. The status of recording and monitoring
5. Call acceptance instructions
6. Call blocking instructions
7. Advisement of the prohibition and termination of calls in association with the use of 3-way, call forward or conference call services
8. Instructions on how to skip portions of the message only after hearing Items 1, 2, 3, 4 and 5 in this section

VI. TRAINING


All designated team members shall receive sufficient training to ensure successful usage of ICS telephones by the incarcerated individual population. Training for trainers will be provided to NDCS team members by the contract incarcerated individual telephone vendor so team members can assist incarcerated individuals on using the system. Comprehensive specialized training will be provided to the site system coordinator, site system operator, assistant deputy director and other designated team members to promote a thorough understanding of ICS security features and the use of those features. Training will be conducted on an as-needed basis to train additional team members or to update team members on system changes. Select team members shall receive sufficient training to assume the duties of the contract central office ICS administrator should NDCS choose to exercise this option.

A handout will be provided to incarcerated individuals with *ICS Phone Dial Instructions* (Attachment C). Team members will be available in each facility to assist incarcerated individuals in using the ICS.

VII. CONFIDENTIALITY

All information related to ICS hardware, design configuration, software, programming, passwords, recordings, call detail records, personal identification numbers (PINs are to be disseminated only to the incarcerated individuals to whom they are assigned), completed incarcerated individual registration forms, proprietary vendor information, system reports, investigations, intelligence information, operational security procedures and investigative analysis techniques shall be considered confidential. These shall be protected from dissemination to the public, incarcerated individuals or unauthorized personnel.

- A. Incarcerated individual access to ICS equipment and information is strictly limited to the use of designated telephones and this policy.
- B. Authorized persons may be granted access to confidential aspects of the ICS on a need-to-know, right-to-know basis only. A team member who has been trained and deemed to

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have the need-to-know and right-to-know may be granted authorization to access confidential ICS equipment/information.

- C. The misuse of confidential equipment or unauthorized dissemination of confidential information related to the ICS may result in disciplinary action or civil/criminal prosecution. Only typed transcripts of relevant portions of recorded conversations containing suspected references to unauthorized activity will be disseminated in any proceeding. Strict confidentiality shall be always maintained to preserve security and individual privacy.
- D. Law enforcement personnel acting in their capacity may be granted access on a need-to-know basis to confidential aspects of the ICS in conjunction with an official investigation or intelligence-gathering assignment. Dissemination of confidential information shall be thoroughly documented. Disseminated records shall at a minimum contain the following information: requester – (printed) name, agency, badge number, business address, telephone number, reason for the request and signature and the releasing official – (printed) name, facility, date/time, description of information released, and signature.


VIII. INCARCERATED INDIVIDUALS WITH DISABILITIES

Incarcerated individuals with disabilities shall have equal access to the ICS as other incarcerated individuals without a disability. In accordance with the Americans with Disabilities Act and NDCS policy 004.01, *ADA – Incarcerated individuals and the Public*, NDCS makes every effort to provide for effective communication for incarcerated individuals with known disabilities. Incarcerated individuals who require reasonable accommodations, including specialized telephone or other communicative equipment, for access to the ICS should contact the department ADA coordinator via Incarcerated individual Interview Request, or notify any NDCS team member of this need, who will then bring the matter to the attention of the department ADA coordinator. (ACRS-5A-19)

IX. ICS CONTRACTS AND CONTRACT PERSONNEL

Contracts involving incarcerated individual telephone services shall follow all applicable state and federal regulations and will provide the broadest range of calling options as determined by the NDCS director. This shall be consistent with the requirements of sound correctional management. The vendor contract should also be based on rates and surcharges that are commensurate with those charged to the general public for like services. Any form of deviation from ordinary consumer rates will reflect the actual costs associated with the provision of services in a correctional setting. See Procedure XII. and XIII. below.

- A. All contract personnel directly associated with ICS installation, operation or maintenance shall pass an identification and criminal history background check.
- B. Contract personnel are prohibited from forming personal relationships or “fraternizing” with incarcerated individuals or their friends or families. Any pre-existing relationships shall be divulged prior to acceptance by NDCS.
- C. Contract team members agree to perform the assigned duties and to abide by the confidentiality provisions contained in this policy.
- D. NDCS shall have final decision authority regarding the acceptability of individual contract personnel.

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- E. All contract personnel and their equipment are subject to search.
- F. Permanent contract personnel shall be issued NDCS picture identification cards.
- G. Contract team members may listen to recorded calls for troubleshooting purposes. Contract personnel are prohibited from investigating, live monitoring or recording playback.
- H. Contract service technicians are authorized to enter facilities with necessary equipment, parts, tools, pagers, and cellular telephones the device must be approved, in advance, in accordance with policy 104.06, *Computer Equipment, Telephone Usage & Information Systems* in order to make repairs. Special security considerations may require deviation from this policy when circumstances dictate additional restriction.

X. **EQUIPMENT LOCATIONS, QUANTITIES, AND REPLACEMENT**


Incarcerated individual telephones shall be located in housing units only. In addition to ICS tablets, a minimum number of wall telephones to ensure incarcerated individuals have reasonable access to ICS will be provided at each location. Incarcerated individuals will not be allowed to congregate near the wall telephone area. Only one incarcerated individual will be allowed at a wall telephone at a time. Requests for new locations and additions to the number of incarcerated individual telephones shall be submitted in writing to the appropriate deputy director. Portable telephones will be used whenever appropriate (i.e., Skilled Nursing Facilities and restrictive housing units) to eliminate the need to allow incarcerated individuals out of their cells to make telephone calls. All portable telephones shall be interfaced with the ICS and will provide identical call control as found on permanently affixed incarcerated individual telephones. ICS network administrative terminals shall be installed at central office and each facility in a secure area where designated personnel have direct 24 hour access to perform service, data input, data collection and investigative duties. (ACRS-5A-19)

Appropriate physical and password security shall be instituted to guard against unauthorized access to confidential information and equipment. Passwords will be assigned by the central office ICS administrator and changed periodically to provide access security.

NDCS currently contracts with ICS for the supply and service of personal incarcerated individual tablets for the purpose of making telephone calls. ICS tablets are issued to incarcerated individuals free of charge and are NDCS property.

A. ICS Tablet Replacement

1. When an incarcerated individual transfers to another facility, their assigned ICS tablet will transfer with his/her property. If an incarcerated individual does not have their ICS tablet at the time of transfer, he/she shall pay NDCS a full replacement fee (the current replacement cost of a tablet) to receive a ICS tablet at the facility he/she is transferred to.
2. Incarcerated individuals observed by NDCS team members damaging and/or destroying a ICS tablet are subject to a misconduct report and shall be required to pay restitution if found guilty of recklessly or intentionally damaging, compromise, alter or destroying the device. Incarcerated individuals found guilty of recklessly or intentionally damaging or destroying the device will be assessed reimbursement for the full cost of the tablet. Upon full reimbursement, a replacement ICS tablet

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shall be issued to the incarcerated individual. Incarcerated individuals that compromise/alter their tablets to by-pass the access restrictions placed on the tablet will be subject to a period of suspension from reordering the tablet, as determined the warden.

3. If there is documented evidence of NDCS team members inadvertently damaging and/or destroying a tabled during his/her duties, incarcerated individuals will be issued a replacement ICS tablet.
4. Tablets that stop functioning and were not intentionally or recklessly damaged or destroyed by the incarcerated individual will be returned to ICS, and ICS will determine whether the tablet can be repaired. If the tablet was damaged by the actions of the incarcerated individual (dropping, water damage, etc.) and cannot be repaired, the incarcerated individual will be allowed to pay NDCS a partial replacement fee (50% of the cost of a tablet) in order to be issued a replacement tablet. Tablets that stop working due to no fault of the incarcerated individual and cannot be repaired will be replaced.
5. Incarcerated individuals must surrender their tablet at the time of parole or discharge.
6. The current replacement cost of a ICS tablet is \$299.00 (subject to change).

XI. DATA ENTRY/REPAIR SERVICE/ACCOUNT MANAGEMENT


The site system coordinator, site system operator, or shift supervisor are authorized to make requests for data entry issues to the central system administrator during the normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The contact number for repair services on a 24 hour basis is available in each facility's central control. The contract vendor is responsible for the expense and labor associated with the installation and maintenance of the ICS, including wiring.

XII. COMMISSIONS

In the interest of making incarcerated individual calling as affordable as possible while acquiring necessary security enhancements, the State of Nebraska has waived its right to receive commissions in association with ICS revenues.

XIII. RATES AND SURCHARGES

Call type, along with applicable surcharges, determine the cost of a call. Calls are billed in one-minute increments. Rates are approved by the Public Service Commission and rates are not established by NDCS. For information regarding call rates, the public may contact Public Communications Services, Inc/ICS at [1-866-230-7761](tel:1-866-230-7761). To receive accurate rate information, the caller must provide the name of the facility from which the incarcerated individual is calling and the destination telephone number. If an incarcerated individual communicates with his or her attorney(s) by telephone or videoconferencing, such communication shall be provided without charge to the incarcerated individual and without monitoring or recording by NDCS or law enforcement (Neb. Rev. Stat. §83-181). ACI-7D-11, ACI-7D-12)

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REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY

A. Neb. Rev. Stat. §83-181

II. POLICIES

A. Policy 004.01, *ADA - Incarcerated Individuals and the Public*

B. Policy 104.06, *Computer Equipment, Telephone Usage & Information Systems*

III. ATTACHMENTS

A. ICS Standard Registration

B. ICS Special Registration

C. NDCS Phone Dialing Instructions

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-4A-25, 5-ACI-4A-26, 5-ACI-3D-02, 5-ACI-7D-11, 5-ACI-7D-12

B. Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-6A-01, 4-ACRS-5A-19