

YOUTH SERVICES POLICY

Title: Telephone Usage by Youth and Monitoring of Calls Next Annual Review Date: 11/18/2017	Type: B. Classification, Sentencing and Service Functions Sub Type: 8. Youth Related Services Number: B.8.1
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References: U.S. DOJ PREA Standard 115.353 (b); ACA Standards 2-CO-5D-01 (Administration of Correctional Agencies), 4-JCF-3A-01 and 4-JCF-3A-16 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. B.2.3 "Secure Care Direct Admission", B.5.1 "Youth Code of Conduct", B.8.12 "Youth Orientation"; B.9.1 "Youth Welfare Fund" and C.1.4 "Attorney Visits"; and JETS	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 11/18/2013

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the guidelines regarding the use of telephones by youth and the monitoring of telephone calls at all YS secure care facilities.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors and Facility Directors.

It is the Facility Director's to ensure compliance with this policy and convey its contents to the youth, employees, and the public.

IV. DEFINITIONS:

Contracted Health Care Provider (CHP) - Contracted licensed practitioners responsible for the physical and mental well-being of the secure care youth population. Services include medical, dental and mental health services, nursing, pharmacy, personal hygiene, dietary services, health education and environmental conditions.

Direct Admission – The process by which youth adjudicated delinquent are assigned to a secure facility.

Family Liaison - An employee of YS Central Office (CO), who serves as a direct link between communities, advocates, and families/guardians of youth and YS.

Juvenile Electronic Tracking System (JETS) – The centralized database used to track all youth under OJJ supervision and to record youth case records.

Operations Shift Supervisor (OSS) - Responsible for a range of duties that support management in maintaining a safe, secure facility. Shift Supervisors oversee administrative and operational security activities during specific shifts; manage staff during each assigned shift; ensure adequate security coverage; lead count procedures; oversee the custody, supervision and control of secure care youth; manage frontline security staff; assist in controlling youth movement; assist in directing the use and issuance of keys, locks, and security equipment.

Public Safety Services, Office of Management and Finance (PSS/OMF) – A unit within Public Safety Services that oversees the administrative and operational functions of the agency.

Unit Management Team –The multi-disciplinary team responsible for determining furlough eligibility.

Unusual Occurrence Report (UOR) - A form/document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working in all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way.

Youth Welfare Fund (YWF) - Abandoned property in the form of legal tender and interest income earned from the investment of youth money. Only the youth population shall be the beneficiary, directly or indirectly, of any youth welfare funds, except administrative expenses incidental to the operation of the YWF may be authorized with sufficient justification pursuant to YS Policy No. B.9.1.

V. POLICY:

It is the Deputy Secretary's policy that uniform telephone procedures, including the ability to monitor and/or record youth telephone calls to preserve the security and orderly management of the facility, and to protect public safety, be established and adhered to at all secure facilities.

Each facility shall offer youth reasonable access to telephone communication, including TDD (telephone device for deaf youth and youth with a speech disability), without overtaxing the facility's ability to properly maintain stability and to avoid abuse of this privilege on the part of any youth.

Contracts for telephone services for youth must comply with all applicable state and federal regulations, and are commensurate with rates and surcharges for the general public for like services.

VI. PROCEDURES:

A. General

1. Each youth shall be assigned a personal identification number (PIN), which must be used when placing outgoing telephone calls. The PIN shall be the youth's Client ID number.
2. At each secure facility, youth must be provided access to the Investigative Services (IS) Hotline, Family Liaison, and agency authorized youth advocacy organizations. Youth shall be provided direct access to this phone, meaning they do not have to get permission to use the hotline; it is available for them to use at will. Youth shall be provided with a certain degree of privacy when they use the hotline, meaning that staff may not station themselves near a youth using the hotline such that they could be accused of eavesdropping, or trying to intimidate the youth during the hotline call. However, this does not prevent staff from stationing themselves in a position to have the youth under visual observation.
3. Each youth shall provide the assigned facility a master list of up to 10 (ten) frequently called telephone numbers inclusive of all family, personal, and legal calls. Any additional frequently called numbers shall be in support of pro-social treatment needs. Each youth's outgoing telephone calls shall be limited to those telephone numbers the youth has placed on the master list. Changes may be made to the master list at the discretion of the Facility Director, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained facility staff.

Changes needed on the master list which involves phone numbers of parents or attorneys representing a youth are to be expedited. All attempts shall be made to institute such changes within six (6) working days. The six (6) working days shall begin upon receipt by the appropriate facility staff of the youth's written request that the change be made.

4. For new youth being processed, the PIN and master list numbers shall be entered into the telephone system upon direct intake at the facility's Direct Admission Unit.

5. Upon the request of a telephone subscriber, the assigned facility telephone system administrator shall document the request on an "Unusual Occurrence Report" (UOR), and with the approval of the Facility Director, may contact the contractor to request that a universal block be put into place.
6. Each facility's orientation manual shall include the information contained in this policy as a means to notify the youth of its contents, and in addition, verbal notification shall be given in the orientation program.

B. Telephone Access for Outgoing Calls:

1. Personal or Family Calls (routine)

Regardless of custody status, youth shall be provided an opportunity to make telephone calls to their home at the State's expense when the youth's Case Manager or the CHP determines during a formal counseling or medical/mental health contact that the call will promote the goals of the youth's individual intervention plan or medical/mental health well-being or progress.

The Case Manager or the CHP shall dial the telephone number and shall remain present during the call. The number dialed must be one that is listed on the youth's master telephone list. Any deviation from the master list must be authorized by the Facility Director/designee and documented in writing. All calls shall be documented (time, date, purpose, telephone number, and person contacted) on a Weekly Contact Progress Notes in JETS.

Telephone access in the youth housing units shall be made available when not in conflict with school, work or other programming. Specific times for telephone usage in the various housing units shall be established by the Facility Director, who shall communicate the telephone schedule to all youth, specifying hours during which the telephone is available, maximum length of calls and any limitation on calls, as outlined in Section VI.B.4 of this policy.

All calls other than those facilitated by the youth's Case Manager shall be collect calls.

The telephone service provider shall provide a commission from each collect call. The commission shall be deposited into the respective facility's Youth Welfare Fund (YWF) by Public Safety Services, Office of Management and Finance (PSS/OMF), pursuant to YS Policy No.B.9.1.

2. Personal or Family Calls (emergency)

Requests for access outside of normally scheduled hours may be made through the Unit Management Team or the Operations Shift Supervisor (OSS).

Upon receiving information of a family emergency, the Facility Director/designee shall notify the youth as soon as possible, and provide the youth an opportunity to call the family as deemed appropriate to the circumstances.

3. Legal Calls

Youth shall be given meaningful access to telephones for privileged communications with their attorneys, including being advised that their attorney has requested contact.

Each facility shall advise the youth on the proper way to place a legal call and assist youth, if needed, in making attorney contact.

4. Prohibited Calls:

a. Remote Call Forwarding (RCF) is a mechanism by which youth may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF, in essence, is an automated 3-way call. RCF is also known as an automated call forwarding or PBX call forwarding. RCF usage creates an opportunity to conduct criminal or illegal or unauthorized activities since the end call location is not readily being identified, verified, or its actual location known. This affords untold opportunity for youth to engage in potential scams, to call victims, to facilitate escape attempts, and to engage in other conduct representing significant risks to the facility.

b. The youth population must be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity shall result in appropriate disciplinary action pursuant to YS Policy No. B.5.1.

C. Telephone Access for Incoming Calls:

1. Personal or Family calls (routine)

Messages may be relayed at the Facility Director's discretion.

2. Personal or Family Calls (emergency)

The Facility Director shall establish a procedure for youth notification of legitimate personal or family emergencies communicated to the facility.

3. Legal Calls

Youth shall be given notice that their attorney has requested contact. Complete verification of the Attorney of Record is required prior to processing, pursuant to YS Policy No. C.1.4.

D. Phone System Features and Call Monitoring:

1. Youth shall be put on notice of the following:

a. Telephone calls in living areas are subject to being monitored and/or recorded and that "use" constitutes "consent."

b. A properly placed telephone call to an attorney shall not be monitored and/or recorded unless reasonable suspicion of illicit activity has resulted in a formal investigation and such action has been authorized by the Deputy Secretary/designee.

2. The telephone system will normally terminate a call at the end of the authorized period, (normally 15 minutes); however, the Facility Director/designee may authorize calls of a longer duration as circumstances warrant.

3. The system shall automatically broadcast recorded messages indicating that the telephone call is originating from a secure care facility.

4. Only personnel authorized by IS shall monitor youth telephone calls. Information gained from monitoring calls that affect the stability of the facility or threatens the protection of the public shall be communicated to other staff members or other law enforcement agencies.

Telephone calls to attorneys may not be routinely monitored (see Section VI.D.1.b.); staff shall immediately disconnect from any telephone call if it appears that is the case. All other information shall be held in strict confidence.

5. Youth being processed through the Direct Admission Unit shall be required to "consent" in writing that their telephone calls are subject to being monitored and/or recorded pursuant to YS Policy Nos. B.2.3 and B.8.12. If youth refuse to consent, staff shall document the refusal. A copy of this "consent" or the documentation of refusal shall be placed in the youth's Master Record under Clip VIII.
6. Youth who have already been assigned to the facility shall be put on notice by a sign posted at each telephone which shall reflect the following information:

ATTENTION:

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation, except for properly placed legal calls.

Office of Juvenile Justice
YS Policy No. B.8.1

Previous Regulation/Policy Number: B.8.1
Previous Effective Date: 04/10/2012
Attachments/References: