

 <p>Massachusetts Department of Correction STANDARD OPERATING PROCEDURE</p>	Effective Date 6/30/2023	Responsible Division Deputy Commissioner, Prisons
	Annual Review Date 6/15/2023	
<p>Policy Name</p> <p>STANDARD OPERATING PROCEDURE (SOP) TO 103 CMR 482, TELEPHONE ACCESS AND USE</p>	M.G.L. Reference: M.G.L. c. 124, § 1 (b), (c) and (q) and c. 272, § 99	
	DOC Policy Reference: 103 DOC 408; 103 DOC 408 SOP; 103 CMR 482	
	ACA/PREA Standards: Click here to enter text.	
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Inmates
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Superintendents/Division Heads Policy Files
<p>PURPOSE: This standard operating procedure (SOP) establishes guidelines outlining access to the telecommunication devices and services by Deaf and Hard-of-Hearing inmates and other approved inmates with a disability.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Prisons Assistant Deputy Commissioner, Field Services Department ADA Coordinator Superintendents</p> <p>CANCELLATION: 103 CMR 482 cancels all previous Departmental and institutional policy statements, bulletins, directives, orders, notices, rules and regulations regarding inmate telephone calls, as well as inmate telephone access and use, which are inconsistent with 103 CMR 482.</p> <p>SEVERABILITY CLAUSE: If any article, section, subsection, sentence, clause or phrase of 103 CMR 482 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 482.</p>		

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SECTION I: PURPOSE

This standard operating procedure (SOP) establishes guidelines outlining access to the telecommunication devices and services by Deaf and Hard-of-Hearing inmates and other approved inmates with a disability, consistent with 103 CMR 482, *Telephone Access and Use*; 103 DOC 408, *Reasonable Accommodations for Inmates*; and 103 DOC 408, *Reasonable Accommodation for Inmates, Standard Operating Procedure*. This SOP is applicable to all employees and inmates of the Department of Correction.

SECTION II: TELEPHONE DEVICES AND SERVICES FOR THE DEAF AND HARD-OF-HEARING AND OTHER APPROVED INMATES WITH A DISABILITY

- A. The Department offers telecommunication devices and services to Deaf and Hard-of-Hearing individuals and to other approved inmates with a disability to enable Effective Communication with people outside Department institutions. These devices and services include Videophones, Video Relay Services (VRS), Teletypewriters (TTY), Captioned Telephones (CapTel), amplified traditional telephones, and hearing aid compatible traditional telephones. **(Please refer to the copy of 103 DOC 408, *Reasonable Accommodations for Inmates*, Attachment E, at the end of this SOP)**
- B. Videophones are available to Deaf and Hard-of-Hearing inmates whose primary language is sign language. The purpose of videophones is to enable approved inmates who communicate using sign language to Effectively Communicate with sign language speakers outside of DOC institutions through point-to-point video communication and to communicate with hearing individuals outside of DOC institutions through the use of VRS, which allows communications between signing inmates and hearing individuals through a sign language interpreter.
- C. Deaf and Hard-of-Hearing inmates and other inmates with a disability may be approved for and receive regular access to more than one (1) of the above telecommunication devices or services.

SECTION III: ACCESS TO VIDEOPHONES, VRS, CAPTEL, AND TTY DEVICES

Access to Videophones, VRS, CapTel Telephones, and TTY devices will be provided consistent with the procedures described below:

- A. Deaf or Hard-of-Hearing inmates or other approved inmates with a disability who are approved access to the Videophone, VRS, CapTel Telephones or TTY devices shall be provided access during the same hours of operation the general population has access to telephones, including nights and weekends.

- B. The inmate will notify their housing unit staff of their request to utilize the device. The unit officer will verify that the inmate is approved to access the device they are requesting to use. The housing unit officer shall then make an entry in their unit activity log in IMS of the request, which shall include the following: date, inmate's name, inmate's commitment number, the type of device requested, and the time that the inmate made the request. The unit officer shall contact staff at the site where the device is stored to make arrangements for the inmate to use the device.
- C. At the site where the device is stored, the staff member responsible to provide the inmate access to the device shall maintain a log of the device's use (CapTel, Videophone and VRS Log, Attachment #1). The CapTel, Videophone and VRS Log shall record the date and time the inmate requests to use the device, the device requested to use, the date and time the device is used, the inmate's name, and the inmate's commitment number. For CapTel, Videophone, and VRS use, the telephone system maintains a record of the inmate's name, date, time, number dialed, and end time of the call(s). The TTY Log (Attachment #2) shall record the date and time the inmate requests to use the device, the date and time the device is used, the inmate's name, the inmate's commitment number, number(s) dialed, and the duration of the call(s) (i.e., end time of call).
- D. Access to the device should be provided as soon as possible, with the expectation that access will ordinarily be provided **within forty-five (45) minutes**. Access shall not be delayed for more than two and one half (2.5) hours unless access must be prevented or delayed for one (1) of the reasons outlined in 103 CMR 482, *Telephone Access and Use*.
- E. If an inmate's access is prevented or delayed, Institution staff will notify the requesting inmate and provide access as soon as is feasible. Additionally, if access is not provided within **forty-five (45) minutes**, the reason for delay and the length of the delay must be documented in IMS by the unit officer after access has been provided or by the end of the officer's shift. Use of reservation, first-come first-served or other systems to use Videophones, VRS, CapTel, and TTY devices for eligible inmates is permitted provided that such systems do not result in waiting times that exceed those allowed as described above.
- F. Staff will unlock any secured device and first check to see if any previous telephone conversation captioned texts are saved in the memory of the device. Any previous saved telephone conversation captioned texts still on the device shall be deleted by the staff member prior to the approved inmate dialing the new number. Staff will then observe the approved inmate dial the number that the inmate has requested that is on their PIN list as an approved PAN list telephone number, or privileged numbers universally approved by the Department, or pre-authorized approved personal attorney telephone numbers. Once the staff member ensures the call connects, they will then re-secure the telephone by locking it.
- G. Inmates who have been approved to use Videophones, VRS, CapTel, and/or TTY devices will be allowed **twice the amount of time** to complete telephone calls using these devices as is afforded to inmates who complete telephone calls using traditional telephones. This

additional time for completing calls is subject to operational and/or security concerns or administrative constraints (e.g., institutional emergencies). Videophone, VRS, CapTel, and TTY users may make more than one call if there is no answer or if a call is disconnected. If no other inmate is waiting to use the Videophone, VRS, CapTel, and TTY device for which the inmate is approved, the inmate may request to use the device to make additional phone calls.

- H. Except as otherwise provided herein, the use of the telecommunication services and devices described in this SOP is subject to the requirements of 103 CMR 482, *Telephone Access and Use*.
- I. Inmates are not to be charged for the costs of using these devices (except for international calls).
- J. Confidential/Privileged calls on CapTel Telephones
 - 1. Staff shall delete, in the presence of the inmate, the phone conversation captioned texts from the memory on the CapTel telephone immediately after the call has ended of all calls to the inmate's pre-authorized approved personal attorney or to privileged numbers universally approved by the Department that the inmate has called.
 - 2. The Institution will ensure staff on all shifts are trained in this procedure.
 - 3. The Institution will ensure that there are staff members on each shift who know where the Videophone, VRS, CapTel, and TTY devices are located and the process by which approved Deaf and Hard-of-Hearing and other approved inmates with a disability may access them.
 - 4. The Institution will ensure that the location designated for these devices' use does not result in such frequent or repeated interruptions or interference to approved inmate's access and use.

SECTION IV: ACCESS TO AMPLIFIED TRADITIONAL TELEPHONES AND HEARING AID COMPATIBLE TRADITIONAL TELEPHONES

- A. Deaf or Hard-of-Hearing inmates or other approved inmates with a disability who are approved access to amplified traditional telephones and hearing aid compatible traditional telephones shall be provided access during the same hours of operation the general population has access to telephones, including nights and weekends.
- B. Telephone calls utilizing amplification on traditional telephones and hearing aid compatible traditional telephones shall be afforded the same amount of time to complete calls as is afforded to inmates who complete telephone calls using traditional telephones consistent with 103 CMR 482, *Telephone Access and Use*.

SECTION V: TRACKING AND MONITORING ACCESS TO VIDEOPHONES, VRS, CAPTEL, AND TTY DEVICES

- A. It shall be the responsibility of the Institution ADA Coordinator to monitor and confirm that inmates generally gain access to the stationary and mobile Videophones, VRS, CapTel, and TTY devices **within forty-five (45) minutes**.
- B. On a monthly basis, the Institution ADA Coordinator shall review the logs at the site where the devices are stored and randomly check 25% of the inmates who used the devices for the month against the housing unit activity log in IMS, where the inmate is housed to determine whether access was provided within forty-five (45) minutes of an inmate's request to use the device. Instances where it took longer than forty-five (45) minutes for the inmate to gain access shall be noted and the reason for the delay documented and reviewed to determine appropriate remedial measures, if any, to be recommended to the Superintendent.
- C. The results of this review shall be documented in a report by the Institution ADA Coordinator and kept on file. The monthly reports should be forwarded to the Deputy Commissioner, Prisons and the Department's ADA Coordinator for Inmates, for review.

Institution: _____

Unit: _____

CAPTEL, VIDEOPHONE AND VRS ENTRY LOG

Date and Time of Request to Use	Device Requested to Use	Date of Use	Time of Use	Inmate's Name	Inmate ID#

Institution: _____

Unit: _____

TTY ENTRY LOG

Date and Time of Request to Use	Date of Use	Time of Use	Inmate's Name	Inmate's ID #	Number(s) Called (TTY Only)	Duration / End Time (TTY Only)

Telecommunication Aids and Services for Effective Communication

Videophone, Video Relay Service (VRS), Teletypewriter Telephone (TTY), Captioned Telephone (CapTel), Telephone with Amplified Volume Control and Hearing Aid Compatible Telephone

Videophone and Video Relay Service (VRS)



Videophones are video devices for those who use sign language to communicate with others. Videophones can be used by inmates who are Deaf and/or Hard of Hearing and whose primary or secondary language is American Sign Language (ASL) or another sign language.

Inmates can make direct videophone calls to effectively communicate with sign language speakers through point-to-point video communication.

VRS is a telecommunications service that enables people who use sign language to communicate with voice telephone users by video through an interpreter.

Inmates can request this reasonable accommodation through the Reasonable Accommodation process in DOC 408, Reasonable Accommodations for Inmates or through the Disability Accommodations Resources Assessment process.

Telephones will be placed in accessible locations for inmates with disabilities who have been granted access to Videophones.

Posters on Placing a Direct and VRS call shall be available to view above all stationary Videophones and in the respective housing units.

Teletypewriter Telephone (TTY)

TTY is a text-based telecommunication device that allows people to type messages back and forth, either through MA Relay Services or directly to another person with a TTY. TTY can be used by inmates with disabilities who have the ability to type written messages.

Inmates can request this reasonable accommodation through the Reasonable Accommodation process in DOC 408, Reasonable Accommodations for Inmates or through the Disability Accommodations Resources Assessment process.



Telephones will be placed in accessible locations for inmates with disabilities who have been granted access to TTY phones.

Telephone hours of operation and accessibility need to be equal to that which is available to all inmates in the Institution. Also, telephone calls utilizing Videophones, VRS, TTY and CapTel phones shall be afforded twice the amount of time to complete calls as is afforded to inmates who complete telephone calls using traditional telephones, subject to operational or security concerns or administrative constraints (e.g., institutional emergencies).

Telecommunication Aids and Services for Effective Communication Cont.

Video Phone, Video Relay Service (VRS), Teletypewriter Telephone (TTY), Captioned Telephone (CapTel), Telephone with Amplified Volume Control and Hearing Aid Compatible Telephone



Captioned Telephone (CapTel)

CapTel telephones are telephones that display real-time text captions throughout the conversation, allowing the user to both listen to the call and/or read the written captions.

Inmates can request this reasonable accommodation through the Reasonable Accommodation process in DOC 408, Reasonable Accommodations for Inmates or through the Disability Accommodations Resources Assessment process.

Telephones will be placed in accessible locations for inmates with disabilities who have been granted access to CapTel telephones.

Traditional Telephones Adapted for Use by Deaf and Hard of Hearing

Telephone with Amplified Volume Controls

Traditional telephones include a built in volume button that allows the user to amplify the call volume.

Hearing Aid Capable Traditional Telephones

Traditional telephones are hearing aid compatible in accordance with Federal Communication Commission Guidelines.



Telephone calls utilizing amplified traditional telephones and hearing aid compatible traditional telephones shall be afforded the same amount of time to complete calls as is afforded to inmates who complete telephone calls using traditional telephones.

The Department will, upon request, provide appropriate auxiliary aids and services to enhance communication for qualified inmates with disabilities so that they may participate fully in programs and services. The Department will also provide other means of making communications accessible to inmates who have speech, hearing, or vision impairments.

Supervisory staff on all shifts are trained on the location of the telephones, how to access the telephones, and how to properly utilize the equipment.