

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:** INCARCERATED PEOPLE ACCESS TO TELEPHONES **G-1200**

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<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**APPROVED BY:** Detentions Bureau Chief Deputy Cindy Cisneros

**REFERENCE:** Title 15, Section 1067, C.C.R., PC Section 851.5, DBPPM I-100

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### POLICY

Reasonable incarcerated people access to telephones can be effective in reducing tension and anxiety in detentions facilities by allowing incarcerated people to maintain contact with family and the community. Additionally, Penal Code Section 851.5 gives arrestees the right to at least three completed telephone calls, "**immediately upon being booked, and, except where physically impossible, no later than three hours after arrest.**" Therefore, staff will allow incarcerated people reasonable access to telephones and will ensure that new arrestees are not denied their right to make telephone calls as provided in Penal Code Section 851.5.

### Procedure A: Telephone Calls for New Arrestees

Staff will ensure that each arrestee is allowed to make at least three completed telephone calls at no charge within the local dialing area, or outside the local dialing area at the arrestee's expense:

- Immediately upon being booked, and;
- Except where physically impossible, no later than three hours after arrest.
- These telephone calls shall be granted immediately upon request, or as soon as practicable.

During the booking process, staff shall inquire if the arrestee is a custodial parent with responsibility for a minor child. **If the arrestee states that they are a custodial parent with responsibility for a minor child, the arrestee shall be entitled to, and may request to, make two additional calls at no expense** if the calls are completed to telephone numbers within the local calling area, or at their own expense if outside the local calling area, to a relative or other person for the purpose of arranging for the care of the minor child or children in their absence.

**Staff will not deny these telephone calls unless directed to do so by a court order.**

### **DIRECTIVE #1**

Each facility that detains arrestees will have a conspicuously posted signs in English and Spanish that inform arrestees of their telephone access rights. The sign shall include the following information in bold black type:

- Arrestees are entitled to make three free completed telephone calls within the local dialing area, or at their own expense if outside the local area to three of the following:
  - An attorney of their choice or, if they have no funds, the Public Defender;
  - A bail bondsman;
  - A relative or other person.

Arrestees that are a custodial parent with responsibility for a minor child, have the right to two additional telephone calls within the local dialing area, or at the expense of the arrestee if outside the local area, for the purpose of arranging for the care of the minor child or children in the arrestee's absence.

Additionally, the sign shall include the telephone number of the Public Defender.

### **Procedure B: Incarcerated People Telephone Calls**

Once housed, incarcerated people will be allowed reasonable access to incarcerated person telephones to make calls. Staff may prevent incarcerated people from using the telephones under circumstances including, but not limited to:

- As the result of informal disciplinary action as detailed in Section I-100 of this manual;
- During emergency incidents or as necessary to maintain the security of the facility;
- During designated hours of the day (e.g., feeding periods, counts, nighttime, etc.).

Each facility will implement procedures that designate during what times and activities incarcerated people' access to telephones will be suspended.