5-03/055.00 - Telephone Calls

851.5 PC and/or 627 WIC gives any arrested or detained person (adult or juvenile) the right to complete at least three telephone calls. By court decision, these sections shall be "construed broadly and permissively." Except where physically impossible, the calls shall be completed no later than three hours after an arrest or detention.

In addition, 851.5 PC gives an arrested or detained person who is the parent or guardian of a minor child the right to complete two additional telephone calls to make arrangements for care of the minor child.

Each Sheriff's station shall have a sign printed in English and Spanish displayed in the booking/detention area that states:

- The prisoner's right is to complete three phone calls. The calls are free if within local dialing area;
- The prisoner is allowed a fourth call to the bail commissioner to inquire about bail reduction or an Own Recognizance (OR) release;
- The bail commissioner's phone number and office hours; and
- The phone number to the local public defender's office.

In addition to the above printed sign, each Sheriff's station shall have a sign in English and Spanish which advises the prisoner that they are entitled to two additional phone calls if they are the parent or guardian of a minor child and need to make arrangements for care of the minor child.

General procedures for implementing these sections are as follows:

- If the call does not satisfy the intent for which it was made, the prisoner shall be granted an additional call(s) in order to obtain bail, an attorney, a physician or to notify family, employer, or friend;
- If he so desires, a person arrested on a charge of intoxication shall be permitted one additional call at his own expense to obtain a physician to take a blood sample;
- The three calls shall be at no expense to the arrestee or the person receiving the call if the calls are completed to numbers within the local calling area. "Collect" calls are not considered free calls. If the arrestee wishes to call someone outside the local calling area, the call must be either made at the arrestee's expense or the charges must be reversed to the person called (e.g., a "collect" call);
- Additional phone calls may be granted at the discretion of the watch commander;
- The public defender's phone number shall be provided to the arrestee;
- If any act which constitutes a new booking is performed, the prisoner shall be permitted two additional telephone calls as outlined above;
- Per 810 PC, the arrestee is permitted to make a fourth call to the bail commissioner or a magistrate. This call allows the arrestee to inquire about a bail reduction or OR release. This fourth call does not count as one of the three calls the arrestee is already entitled to; and
- If, upon questioning during the booking process, the arrested person is identified as a custodial parent with responsibility for a minor child, the arrested person shall be entitled to make two additional calls at no expense if the calls are completed to telephone numbers within 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 the parent's absence.

Prisoners shall be permitted the required calls whether they are booked at a station, at IRC or CRDF or are remanded to custody at court.

It shall be the responsibility of the officer in charge of the jail to permit the prisoner to make the required telephone calls. The calls may be completed before, during, or immediately after the booking process is finished. If the prisoner is physically unable to make a telephone call within the three-hour time limit, arrangements shall be made for the call(s) to be completed as soon as the prisoner is able.

If it is determined that, due to serious illness/injury, the prisoner will be unable to make a telephone call for an indefinite time, in excess of the three-hour limit, known local next-of-kin notification shall be completed by the Department member making the determination. The employee shall sign his name, employee number, and the date on the B&PR indicating he has made the telephone call for the prisoner.

If a prisoner becomes ill while in transit by the Court Services Transportation Bureau and is confined in a local hospital, it shall be the responsibility of the Court Service Transportation Bureau to enter the information on the prisoner transmittal sheet in the absence of a B&PR.