

TEXAS CIVIL COMMITMENT OFFICE

 <p>POLICY AND PROCEDURE</p>	<p>NUMBER: 3.26</p> <p>EFFECTIVE DATE: 8/8/2023</p> <p>SUPERCEDES: 2/3/2021</p>
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Subject: CLIENT CELL PHONE APPROVAL AND USE

Purpose: To provide procedures, rules and regulations for client possession and use of an approved cell phone.

Policy: Clients may be eligible to possess a cell phone if recommended by the Treatment Team, and the Facility Administrator, if applicable. The Texas Civil Commitment Office shall provide final denial or approval for possession and use of a cell phone. The possession and use of a cell phone is a privilege and may be restricted, suspended or terminated at any time, for any reason, at the discretion of the Case Manager or other TCCO staff. The client shall be required to sign a Cell Phone Rules and Usage Agreement prior to the receipt and use of a cell phone. The client shall comply with all rules of the TCCC or Community Residential Facility (CRF) and the TCCO regarding cell phone use. The TCCC, CRF and TCCO shall not be responsible for lost or stolen cell phones or damage to the cell phones. The TCCC, CRF or TCCO shall not be responsible for payment of any unused minutes or monthly plan in the event the cell phone privilege is restricted, suspended or terminated.

Definitions:

“**Community Residential Facility**” (CRF) is a facility, under contract with TCCO, that provides housing, supervision and other programs to the client.

“**Facility Administrator**” is the senior level staff position at the TCCC or CRF responsible for the daily operations and oversight of staff and clients.

Procedures:

I. Client Eligibility for Cell Phone Possession and Use

- A.** A client may be eligible to apply for a cell phone if they meet the following eligibility criteria.
1. The client shall be in Tier 3, 4 or 5;
 2. If in Tier 5, the client shall be employed or actively seeking employment or be eligible per I.A.6 below;
 3. The client is current on cost recovery or is complying with an established payment plan;
 4. The client has had no violations of civil commitment, facility rules, program rules or parole/probation rules (if applicable) in the last six (6) months;
 5. The client is actively participating and in good standing in all required treatment programs;
 6. Clients who are unemployable or retired and receive an income (social security income, retirement and/or other financial assistance) may be eligible at the discretion of the Director of Case Management Services (DCM) or designee; and
 7. Clients in Tier 5 who are actively seeking employment and do not have an income, may be approved to have a cell phone for sixty (60) days. Any extension to the sixty (60) days requires approval of the Executive Director or designee through an email request.
- B.** The client may submit a Client Request for Cell Phone Possession and Use form (TCCO-69-16) to the Case Manager if they meet the above criteria. If the client resides in a Community Residential Facility (CRF), the Case Manager shall contact the Facility Administrator to determine if the use of a cell phone may be approved.
1. The request shall include documentation of how the cell phone and service will be paid (i.e. client self-pay, approved contact).
 2. The Case Manager shall verify the client's financial information. The monthly income and the cost recovery shall reflect a three (3) month average.
 3. The client shall be current on cost recovery payments and provide evidence that the cost of the cell phone and monthly minutes will not interfere with the ability to continue to pay cost recovery.
- C.** Upon receipt of a Client Request for Cell Phone Possession and Use (TCCO-69-16), the Case Manager shall process the request as listed below. Any deviations from the timeframes listed shall be staffed with the DCM or designee, and documented in the case management automated system.
1. The Case Manager shall staff the client's request with the Treatment Provider in the treatment staffing, by phone or email. The Case Manager shall document the discussion and recommendation in the case management automated system within two (2) working days. If the Treatment Team recommends the request be denied, the client shall be notified at the next visit.

2. If the Treatment Team recommends the request be approved, the Case Manager shall submit the request to the Facility Administrator (if residing in the TCCC or CRF) within two (2) working days. If the Facility Administrator denies the request, the client shall be notified at the next visit.
 3. If the Facility Administrator recommends the request be approved, the Facility Administrator shall sign the Client Request for Cell Phone Possession and Use (TCCO-69-16) form. The Case Manager shall submit the signed form to the DCM or designee, via email within one (1) working day.
- D.** Upon receipt of a Client Request for Cell Phone Possession and Use (TCCO-69-16) from a Case Manager, the DCM or designee shall review the request within three (3) working days for final approval or denial. Upon approval or denial, the DCM or designee shall sign the form and send it to the Case Manager, Central office designee, and Unit Supervisor, if applicable, via email. The Case Manager shall scan the form to the case management automated system within two (2) working days. The original signed form shall be forwarded to the Case Manager and filed in the client file.
- E.** Upon receipt of the final decision from the DCM or designee, the Case Manager shall notify the client regarding the decision at the next visit. If the cell phone is approved, the Case Manager shall assist the client with ordering the cell phone at the next office visit.
- F.** If the client is on parole or probation and has been approved for a cell phone, the Case Manager shall email the supervising officer within two (2) working days to advise the client has been approved to have a cell phone. The Case Manager shall send a subsequent email with the client's cell phone number and plan type within two (2) working days of the phone being activated.
- G.** If the client's request for a cell phone is denied at any step in the process, the client may resubmit the request after six (6) months, provided the client still meets eligibility criteria.

II. Cell Phone Approval

- A.** The Case Manager shall provide a copy of the following information to clients who are approved for possession and use of a cell phone:
1. The Client Cell Phone Rules and Usage Agreement (TCCO-68-16), which shall be signed by the client prior to receiving the cell phone; and
 2. The approved Client Request for Cell Phone Possession and Use form (TCCO-69-16).
- B.** The Case Manager shall advise the client of the type of cell phone carrier and plans available.

III. Type of Cell Phone Allowed

- A.** Clients are not allowed to possess tablets or smartphones at any time, unless authorized, in writing, by TCCO management.
- B.** The cell phone shall not require a contract. Inbound/outbound call records, text records and/or data records must be available for routine review. A printout or online review of cell phone records shall be available to any TCCO staff and the Facility Administrator, at all times. Cell phones that do not have the availability to review calls, text or data records shall not be allowed.
- C.** Cell phones shall not have a camera, video, data plan (internet), text messaging, more than one SIM card or voice recording capabilities, unless authorized, in writing, by TCCO management. If a camera does exist, the client shall disable it upon receipt of the phone, in the presence of the Case Manager.
- D.** The cell phone must be sealed by the client unless the cell phone is already tamper resistant, prohibiting access to the SIM card. At no time shall a client remove the SIM card from the cell phone.
- E.** Cell phones may only have one charger, one SIM card, one phone case and one car charger (if authorized to drive a vehicle). Accessories such as Bluetooth and additional SIM cards are prohibited and will be taken from the client. Bluetooth accessories may be authorized by TCCO for Tier 5 clients authorized to own/drive a vehicle.

IV. Purchasing a Cell Phone

- A.** A client shall purchase the cell phone with the assistance of the Case Manager.
- B.** Clients in Tier 3 are authorized for “call only” plans. Clients in Tier 4, may be authorized for a “call and text” plan. Clients in Advanced Group Environment (AGE) and Tier 5 may be authorized for a “call, text and data” plan. The DCM may authorize a client to have a text plan. The Deputy Director may authorize a client to have a data plan.
- C.** The client is responsible for all costs associated with the cell phone.
- D.** The Case Manager shall discuss the details of the client’s cell phone order prior to placing the order, to include, at a minimum: cost of phone, cost of minutes and plan, phone insurance and means of payment.
- E.** The Case Manager shall set up any necessary accounts for the client required by the cell phone carrier. The client may be, but is not required to be, present when the Case Manager sets up the account.

F. The Case Manager shall document the cell phone number and any account information, to include the carrier and type of plan, in the Notes screen of the case management automated system, upon receipt of the phone or notification of the phone number.

G. Cell phones connected to a family plan or another person's plan are prohibited.

V. Usage Requirements for the Cell Phone

A. Upon receipt of the cell phone, the Case Manager shall be solely responsible for activating the phone, if activation is required. The Case Manager shall charge the phone before providing the phone to the client. The client may be, but is not required to be, present for the activation process.

B. The Case Manager shall test the phone to ensure there is no text messaging, internet, data plan, video, camera or voice recording capabilities, unless the client is authorized by TCCO to possess one or more of these features. If the client is not authorized to have these features and they are enabled, the Case Manager shall contact the service carrier to disable the features.

C. Once the cell phone is activated and all disallowed features have been removed or blocked, the Case Manager shall set up the client's online account, if required to do so. The client may be, but is not required to be, present for the online registration.

D. The Case Manager shall have the client sign the Client Cell Phone Rules and Usage Agreement (TCCO-68-16) prior to receipt of the phone. The client shall sign the Client Receipt of Cell Phone (TCCO-60-16) when the Case Manager issues the phone. The Case Manager shall also have the client glue the back case of the phone to prohibit access to the battery or SIM card, if the phone is not tamper resistant.

E. The Case Manager shall scan all signed documents into the case management automated system within two (2) working days of signature.

F. The Case Manager shall provide the client's phone number, account number, carrier, type of plan, voicemail password, backup security questions, User ID and password for accessing online records and any other relevant information to the TCCO Central Office designee, via email, on the same day that the phone is issued to the client. The TCCO Central Office designee shall maintain a spreadsheet of all clients approved for cell phone use, which shall be maintained in SharePoint. The Case Manager shall enter this same information into the Notes screen of the case management automated system within two (2) working days of activating the phone.

G. The Case Manager and the client shall set up a pass code to unlock the cell phone screen in order to guard against unauthorized use, if the cell phone has the capability for a locked screen or if a pass code has not been set up on the phone prior to receipt.

- H.** The client shall not change the passcode, voicemail pass code, User ID or password unless approved by the Case Manager. The client shall not make any changes to the service plan without the approval of the Case Manager who shall assist the client in making the authorized changes. The Case Manager shall provide the new passcode and/or service changes to the TCCO Central Office designee.
- I.** Clients who choose to enter their own name and phone number in their contacts list shall enter their first and last name. A client shall not enter a fictitious or false name as their contact list name. Clients who maintain a contact list of approved contacts shall enter the name as it has been approved by TCCO. Nicknames or names of endearment shall not be used.
- J.** The client shall not share a passcode, User ID or password with any other person, except TCCO, the Facility Administrator or facility security staff.
- K.** The cell phone shall be used for specific communication with the Case Manager, Treatment Provider, CRF, employer or job search contact, medical personnel, attorney, chaperone, or other collateral contact, banks or businesses approved by the Treatment Team.
- L.** Ownership or possession of the cell phone is solely for the client who has been approved. Clients shall not transfer ownership, loan the phone to other clients or make phone calls on behalf of another client.
- M.** The client must follow the employer rules (if employed) in addition to the rules of the TCCO, TCCC or CRF regarding cell phone use.
- N.** Cell phones shall be set on vibrate at all times while at the TCCC or CRF, with no audible sound for incoming calls, unless approved by the Case Manager and Facility Administrator or the client is living in independent housing.
- O.** For clients residing at the TCCC or a CRF, the hours of phone use shall be consistent with the housing rule regarding quiet time unless other instructions are provided by the Case Manager. Any deviations from these hours require approval from the Case Manager and Facility Administrator.
- P.** For clients residing at the TCCC or a CRF, cell phones shall be charged under the direct supervision of the client and shall not be left unattended. Cell phones shall not be charged in common areas.
- Q.** Cell phone usage is limited to dormitories, individual sleeping rooms and outside recreation areas, unless specifically disallowed by the TCCC or CRF. Cell phones shall not be used in libraries, religious services, meeting areas, dining hall, common hallways, administrative areas or other areas identified by the TCCC or CRF. Cell

phones shall not be allowed in treatment, unless the client is arriving directly from work, at which time the phone shall be turned off.

- R. Cell phone use is prohibited during classes, orientation, group meetings or other treatment related activities.
- S. The client shall report a lost or stolen phone or accessories immediately to the Case Manager and TCCC or CRF security staff.
- T. Cell phones shall be turned off and locked in the client's individual storage when not in use.
- U. Clients who are allowed a text and/or data plan have additional requirements on the Client Cell Phone Rules and Usage Agreement (TCCO-68-16).
- V. Clients must be financially responsible for the payment of their cell phone and monthly plan. Failure to pay for services in a timely manner may result in termination of phone privileges.
- W. If the credit card payment transaction fails three (3) times in a six (6) month period, the client's phone privileges will be terminated. The client may submit another TCCO-69-16 in six (6) month of the last failed payment. The client shall pay any remaining balance to the carrier.

VI. Inspection and Review of Cell Phone Use

- A. Upon initial receipt of a cell phone, the Case Manager shall test the phone to ensure it only has the functionality of the client's authorized plan. The Case Manager shall test the phone to determine if it is able to send or receive pictures, videos and if voice-recording capabilities exists. If the cell phone has been approved for text and/or data, the Case Manager shall test the phone to ensure only authorized applications are functional. The Case Manager shall periodically test the phone by sending a sample message (text, photo, video, etc.) at random intervals during its use and possession by the client and document each test in the case management automated system within two (2) working days.
- B. The client shall have no expectation of privacy regarding inbound/outbound calls, text or data records. The Case Manager shall physically inspect the phone for tampering and content during each office or home visit or more frequently if needed with the client. The Case Manager shall document the review in the case management automated system within two (2) working days. The physical inspection of the phone shall consist of:
 - 1. Verifying the text message feature is not available, unless authorized;
 - 2. Verifying there are no photos and the camera remains disabled;
 - 3. Verifying the call log;
 - 4. Reviewing voicemails;

5. Reviewing text and browsing history, if authorized;
 6. Verifying the approved contacts' phone numbers and names match what has been approved by TCCO; and
 7. Inspecting the phone to ensure it has not been tampered with or opened.
- C. If the Case Manager witnesses any photos, unapproved phone numbers, concerning voicemails or if the phone has been tampered with or opened, the Case Manager shall immediately confiscate the phone and notify TCCO management.
- D. The Case Manager shall review the online records of each client on a weekly basis to ensure there are no unapproved calls or activity and document the results in the case management automated system within two (2) working days of review. If there are unapproved calls or activity, the Case Manager shall take the phone and notify TCCO management.
- E. The Case Manager shall print out the online records, initial and date the print out and scan the printout into the case management automated system within two (2) working days of review. In the event the client has an authorized plan that allows the Case Manager to review all activity via a monitoring portal, the Case Manager shall review all activity and document the review and results in the case management automated system within two (2) working days of the review.
- F. The client shall not delete any calls, text, browsing history or voicemails on the phone until reviewed by the Case Manager and given permission to delete. The Case Manager shall document the approval to delete in the case management automated system.
- G. The client shall end any call, when instructed.

VII. Cell Phone Violations and Sanctions

- A. Cell phone privileges may be restricted, suspended or terminated for the following reasons:
1. At the discretion of the Case Manager or TCCO staff;
 2. A violation of the civil commitment order, program rules, facility rules or parole/probation rules (if applicable);
 3. A violation of any rule or regulation, set forth by this policy or rules of the TCCC or CRF;
 4. Using a cell phone in a disruptive manner;
 5. Failure to pay for services in a timely manner; or
 6. Refusal to relinquish the cell phone for inspection.
- B. The sanctions imposed for a violation of the cell phone rules will be dependent upon the severity of the violation.

- C. The Case Manager shall document all restrictions, suspensions, or terminations in the Sanction screen of the case management automated system.

VIII. General Information

- A. The TCCO, TCCC, or CRF is not responsible for damage, theft or loss of the cell phone.
- B. Clients who choose not to continue to purchase minutes for the cell phone or who have their cell phone privilege restricted, suspended or terminated, shall be required to surrender their phone to the Case Manager, TCCC or CRF security staff. The Case Manager shall complete the Cell Phone Privilege Restricted, Suspended or Terminated form (TCCO-01-21), provide a copy to the client and scan the form into the case management automated system within two (2) working days.
- C. If the client owns the phone, the Case Manager or TCCC/CRF security staff shall place the phone and accessories in an envelope labeled with the client's name and provide it to the TCCC or CRF Property Officer for clients whose cell phone privilege has been terminated. The TCCC or CRF Property Officer shall contact the client to determine the recipient of the phone and the client's cost for shipping the phone, if the information is not readily available.
- D. The Case Manager shall notify the Treatment Team, including the Facility Administrator, the parole/probation officer (if applicable) and the TCCO Central Office designee, via email, of all restrictions, suspension or termination of cell phone privileges.
- E. Any exceptions or deviations to this policy require the written approval of the Executive Director or designee.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Associated Forms

- Client Request for Cell Phone Possession and Use (TCCO-69-16)
- Client Cell Phone Rules and Usage Agreement (TCCO-68-16)
- Client Receipt of Cell Phone (TCCO-60-16)
- Cell Phone Privilege Restricted, Surrendered or Terminated (TCCO-01-21)