Subject: CLIENT CELL PHONE APPROVAL AND USE

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

Policy: Clients may be eligible to possess a cell phone if approved by the Treatment Team and the Facility Administrator, if residing in the Texas Civil Commitment Center (TCCC) or other Community Residential Facility (CRF) under contract. The Texas Civil Commitment Office shall provide final approval for possession and use of a cell phone. The use of the cell phone shall be for specific communications with the Case Manager, Treatment Provider, TCCC or CRF staff, attorney, employer, job search contact, medical personnel, chaperone, banks or other businesses or collateral contacts as deemed appropriate and approved by the Treatment Team. The possession and use of a cell phone is a privilege and may be suspended at any time, for any reason, at the discretion of the Case Manager. The client shall be required to sign a Cell Phone Rules and Usage Agreement prior to the use of a cell phone. The client shall comply with all rules of the TCCC or 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.

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. Eligibility for Client Cell Phone Possession and Use

A. A client may be eligible to possess and use a cell phone upon approval from the Treatment Team if they meet the following eligibility criteria. Any deviation from these eligibility requirements shall require Executive Director or designee approval.
   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;
   4. The client has had no violations of civil commitment, 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 Civil Commitment Manager or designee, at the request of the Case Manager;
   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 CRF, the Case Manager shall contact the Facility Administrator to review their policy on the use of cell phones.
   1. The request shall include documentation of how the cell phone and service will be paid (i.e. client self-pay, family pay).
   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 follow the steps listed below. Any deviations from the timeframes listed shall be staffed with the Civil Commitment Manager or designee, and documented in the case management automated system.
   1. The Case Manager shall staff the client’s request with the Treatment Team in the monthly treatment staffing. The Case Manager shall document the staffing 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 home or office 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 home or office 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 Civil Commitment Manager 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 Civil Commitment Manager or designee shall review the request within three (3) working days for final approval or denial. Upon approval or denial, the Civil Commitment Manager or designee shall complete the Approved/Denied section of the form and send it back to the Case Manager and Unit Supervisor, if applicable, via email. The Case Manager shall upload the form to the case management automated system within two (2) working days.

E. Upon receipt of a final approval or denial from the Civil Commitment Manager or designee, the Case Manager shall provide the client with a decision regarding cell phone approval or denial at the next home or office 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 follow up email with the client’s cell phone number within two (2) working days of it being activated.

G. If the client’s request for a cell phone is denied at any step in the process, the client can 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 cell phone Rules and Usage Agreement (TCCO-68-16), which shall be signed 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 notify the Director of Program Operations and the TCCO Central Office designee, via email within two (2) working days, of a client’s final approval for a cell phone.
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.

B. The cell phone shall be a pre-paid cell phone that does not require a contract and inbound/outbound call records must be available for routine review. A printout or online review of inbound/outbound calls shall be available to the Case Manager and the Facility Administrator, at all times. Cell phones that do not have the availability to review inbound/outbound calls 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. 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.

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 confiscated.

IV. Purchasing a Cell Phone

A. A client shall purchase the cell phone with the assistance of the Case Manager.

B. The client is responsible for all costs associated with the cell phone.

C. The Case Manager shall discuss the details of the client’s cell phone order prior to placing the order, to include, at a minimum: color of phone, minutes plan, phone insurance and means of payment.

D. 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.

E. The Case Manager shall document the cell phone number and any account information in the Notes screen of the case management automated system.

F. 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. The Case Manager shall charge the phone before activation. The client may be, but is not required to be, present for the activation process.

B. Upon activation, the Case Manager shall test the phone to ensure there is no text messaging, internet, data plan, video, camera or voice recording capabilities. If these features exist, the Case Manager shall contact the service carrier to disable the features.

C. Once the cell phone is activated and all unallowable features have been removed, the Case Manager shall set up the client’s online account. 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, 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. 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 shall provide the client’s cell phone number to the Facility Administrator or designee and any other person deemed appropriate and approved by the Treatment Team, via email, within two (2) working days of activation.

H. 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.

I. The client shall not change the passcode, 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.
J. The client shall not share a passcode, User ID or password with any other person, except the TCCO, the Facility Administrator or facility security staff.

K. The cell phone shall be used for communication with the Case Manager, Treatment Provider, CRF, employer or job search contact, medical personnel, attorney, chaperone or other collateral contact 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 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 between 6:00am and 10:00pm each day. Any deviations from these hours must be approved by 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, 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 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.
VI. Inspection and Review of Cell Phone Use

A. Upon initial receipt of a cell phone, the Case Manager shall test the phone to determine whether the phone is able to send or receive pictures, videos, text messages, and voice recording capabilities. 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 such test in the case management automated system within two (2) working days.

B. The client shall have no privacy regarding inbound/outbound call records. The Case Manager shall physically inspect the phone for tampering during each face-to-face contact 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;
   2. Verifying there are no photos and the camera remains disabled;
   3. Verifying the call log;
   4. Reviewing voicemails; and
   5. Inspecting the phone case 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 back of 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 phone records of each client on a weekly basis to ensure there are no unapproved calls and document the results in the case management automated system within two (2) working days of review. If there are unapproved calls, the Case Manager shall confiscate the phone and notify TCCO management.

E. The Case Manager shall print out the online phone records, initial and date the print out and scan the printout into the case management automated system within two (2) working days of review.

F. The client shall not delete any calls or voicemails on the phone until reviewed by the Case Manager and given permission to delete.

G. The client shall end any call, when instructed.

VII. Cell Phone Violations and Sanctions

A. Cell phone privileges may be 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 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; or
5. 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.

VIII. General Information

A. The TCCO, the 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 suspended or terminated, shall be required to surrender their phone to the Case Manager, TCCC or CRF security staff. The Case Manager or TCCC/CRF security staff shall place the phone and all accessories in an envelope labeled with the client’s name and provide it to the TCCC or CRF Property Officer. 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.

C. 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 suspension or revocation of cell phone privileges.

D. 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)