

## **BACKGROUND**

---

For many of the 82,000 people in California's county jails<sup>1</sup> phone calls are a lifeline -- often the only way they have to stay connected with their families and loved ones. Phone calls also provide a crucial way to communicate with attorneys, integral to the right of due process.

California's county jail facilities house a variety of populations. There are approximately 30,000 people serving sentences for misdemeanor and low-level felony offenses<sup>2</sup>, including an estimated 10,000 inmates "realigned" from state prisons to county jails under AB 109 of 2011<sup>3</sup>. Research<sup>4</sup> shows that regular contact with loved ones is vital to their successful rehabilitation and re-entry.

County jails also house more than 51,000 people awaiting trial. In addition, there are approximately 1,256 immigrants being detained in five county facilities. These facilities are under contract with Immigration and Customs Enforcement (ICE) to hold immigrants whom the agency has arrested and is seeking to deport, often based purely on civil violations of a system that all agree is broken. For these individuals, too, being able to communicate by phone with loved ones and attorneys is crucial.

## **PROBLEM**

---

When anyone held inside the jail wants to make a phone call to a family member or to an attorney, they must use special phones that make either collect or pre-paid debit calls. The phone rates for these calls are so astronomical that the lifeline of phone communications is at risk for all people housed in local jails.

## **Why are these rates so high?**

The prison phone industry is based on a monopolistic model in which companies bid on contracts to provide phone services for prison and jail facilities. As an incentive to obtain these lucrative contracts, prison phone companies provide commissions, commonly referred to as kickbacks, to the contracting agency. These kickbacks, which range up to 80 percent of gross phone revenue in California county jails, result in inflated phone rates for the people accepting the calls. The payments are channeled into an account called the Inmate Welfare Fund, which is administered by each county.

For example, in Alameda County, California a 15-minute intrastate (within state) phone call costs consumers \$12.75. The Alameda County Sheriff's Department collects 70.5 percent of the gross revenue generated from phone calls. In fiscal year 2012-2013 the Alameda County Sheriff's Department received \$1,629,046 in commission revenue. In 2011, there was an \$8 million surplus in the inmate welfare fund for Alameda County.<sup>5</sup>

In Tulare County, California a 15-minute intrastate (within state) phone calls costs consumers \$15.44. Between 2010- 2012, Global Tel Link paid the Tulare County Sheriff's Department 55 percent commission on all gross revenue generated from their contract. In 2013, a new contract between Global Tel Link and the Tulare County Sheriff's Department increased the commission percentage paid to the county from 55 to 72 percent. In fiscal year 2011-12, the Tulare County Sheriff's Department was paid \$361,436 in commission revenue. The County Sheriff's

Department also received an annual bonus of \$50,000.<sup>6</sup>

In Los Angeles County a 15-minute intrastate (within state) phone call costs consumers \$13.35. In 2011, the Los Angeles County Sheriff and Probation Departments ended a contract with Global Tel Link and negotiated a new contract with Public Communications Services (PCS). The new contract increased the commission percentage paid to these departments from 52 to 67.5 percent with a Committed Annual Guarantee of \$15 million for the Sheriff's Department and \$59,000 for the Probation Department. In fiscal year 2010-11, the Los Angeles Sheriff's Department received \$25.4 million in revenue.<sup>7</sup>

The families of prisoners, who are often economically disadvantaged, are burdened with paying for expensive phone calls. In an era when international calls are as low as 1 cent per minute, there is no reason that calls should cost so much.

The inability to communicate due to the high cost of phone calls is damaging to the health, well-being, and future prospects of inmates and their families. The basic right to due process is at risk. It is vital for Californians facing court or immigration proceedings to consult regularly with their legal representation as the process advances.

### **EXISTING LAW**

---

In 2007, SB 81 outlawed commission payments between prison phone companies and the California state prison system. However, this protective legislation does not extend to county jails in California.

According to California Penal Code 4025, any money, refund, rebate or commission

received from a telephone company in exchange for providing telephone services to inmates must be deposited in an Inmate Welfare Fund (IWF). However, welfare is defined very broadly and any remaining funds may be expended for the maintenance of county jail facilities. The IWF is separate from existing accounts used to pay required county expenses such as meals, clothing, and housing services.

### **SOLUTION**

---

State law already protects against the practice of these astronomical commission payments in the state's prison facilities. AB 1876 will apply the same common-sense standards to county jails, ensuring that all people in detention have an affordable means to communicate with their loved ones and lawyers. AB 1876 would prohibit a county jail from accepting a commission or other payment from a telephone company as an incentive to adopt a contract for providing telephone service to inmates of the jail.

This change in policy works. Following the passage of SB 81 in 2007, the cost of calls from state prisons dropped significantly because they were no longer driven up by lucrative commission payments at the expense of the families of detained Californians.

By ensuring that all people in county jail facilities have an affordable means to communicate with their lawyers, the right of due process will be fully respected. People released from incarceration with strong family and community ties have lower recidivism rates and more successful rehabilitation. AB 1876 will also bring local practices in line with current state practice. Expanded access to communication through reasonable phone rates just makes sense.

---

<sup>1</sup> *See* Board of State and Community Corrections, Jail Profile Survey, Second Quarter 2013.

<sup>2</sup> *Ibid.*

<sup>3</sup> *See* Magnus Lofstrom & Steven Raphael, *Impact of Realignment on County Jail Populations*, Public Policy Institute of California, June 2013, p. 19.

<sup>4</sup> *See* Nancy G. La Vigne, Rebecca L. Naser, Lisa E. Brooks, & Jennifer L. Castro, *Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships*, 21 JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE 314, 316 (2005).

<sup>5</sup> This information was obtained and analyzed by Community Initiatives for Visiting Immigrants in Confinement (CIVIC) by filing California Public Record Act Requests.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*