



COUNTY OF SAN DIEGO

2021 FEB 22 PM 12: 07

CLERK OF THE BOARD
OF SUPERVISORS

TERRA LAWSON-REMER
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: March 2, 2021

03

TO: Board of Supervisors

SUBJECT

REQUEST TO PROVIDE SAN DIEGO COUNTY INCARCERATED PERSON ACCESS TO FREE TELEPHONE CALLS AND OTHER COMMUNICATION SERVICES WHILE INCARCERATED IN COUNTY DETENTION FACILITIES (DISTRICTS: ALL)

OVERVIEW

Our detention system serves the role of administering penalties while also reintegrating incarcerated people and detainees into the community. The research data shows that regular communication with family and friends enhances the success of reintegration and reduces recidivism.

For children, losing a parent to incarceration can be as traumatic as death or divorce. Prohibitively high costs of phone calls impose an unjust burden on young children and other family members of incarcerated people -- individuals who are often victims themselves -- contributing to a cycle of family instability and incarceration.

In addition, our detention system houses both those who are unsentenced as well as those who are sentenced. On any given day, the County detention system houses approximately 5,000 incarcerated people. Currently, over 70% of our incarcerated people are unsentenced in San Diego County jails.

Every incarcerated person detained in the County of San Diego must pay per minute to place a phone call while in the custody of the Sheriff. The cost assessed to incarcerated people for telephone communications in our detention facilities is exorbitantly high. Under County Contract Number 542145, with Securus Technologies, calls cost between \$.21 and \$.33 per minute. This cost applies to those individuals who are awaiting a hearing or sentencing as well as those serving a sentence in the jails. The Securus agreement also includes charges for related communication services such as video visitation (\$19.95 for 20 minutes) and voice messages (\$2 per message).

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This cost is a barrier to many families, further separating children from their parents and individuals from potential positive influences in their lives. A 2014 study of communities in fourteen states found that the costs of maintaining contact by telephone or visitation contributed to unsustainable debt burdens for more than 34% of families.

San Francisco, the first city to offer free incarcerated person phone calls, entered into a new phone vendor contract with GTL in August 2020. The impetus for the new contract was a survey showing the cost of phone calls as the primary barrier to staying in contact with loved ones in prison or jail. Under San Francisco's new contract with GTL, rather than paying the vendor per call minute as families did, the City pays the vendor a fixed monthly rate per phone device. The innovative cost structure better reflects the cost of service paid by the vendor to provide access to phones in all county jails.

Today's action is to eliminate profiteering from rates and fees charged for phone calls and other communication services to and from incarcerated people in our detention facilities. Incarcerated persons should have the ability to place free phone calls and use other communication services free of charge while detained in San Diego County detention facilities.

**RECOMMENDATION(S)
SUPERVISOR TERRA LAWSON-REMER**

1. Direct the Chief Administrative Office to develop a Board Policy that prohibits the County from entering into agreements to charge incarcerated persons for communication services (including telephone, messaging and video visitation), and to prohibit the County from generating operating revenue from fees associated with communication services, and to return to the Board by Tuesday May 4, 2021 for the Board's consideration.
2. Direct the Chief Administrative Office to develop, with Sheriff and Probation, a communication services program that provides no-cost telephone, messaging and video visitation services for incarcerated persons.
3. In accordance with Board Policy A-87, authorize the Director, Department of Purchasing and Contracting, to competitively procure, and subject to negotiations and a determination of fair and reasonable pricing, enter into an agreement or agreements for incarcerated person communication services.
4. Direct the Chief Administrative Officer to take all actions, including the amendment or termination, in whole or in part, of the Securus Technologies, Inc. agreement, necessary to implement the no cost communication services provided for in the plan developed by the Chief Administrative Officer, and to seamlessly transition the existing services to any new provider of the communication services.
5. For the coming 2021-2022 fiscal year budget, direct the CAO to identify alternative funding sources to support the incarcerated people welfare programs currently funded in part or in whole by revenues from communications services, and direct the CAO to identify alternative funding sources to cover all rates and fees associated with

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communication services vendor contracts in order to provide free communication services to incarcerated people.

FISCAL IMPACT

1. No fiscal impact for the current fiscal year. If approved, this request would reduce the Probation Department's future annual revenue by \$172,292 and the Sheriff's future annual revenue by \$2,600,000 as an annual revenue guarantee (ARG) plus 80 percent of any amount in excess of \$6,400,000 contract year gross revenue.
2. No fiscal impact for the current fiscal year. If approved, this action would cost the County the rates and fees associated with telephone contracts in future fiscal years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

BACKGROUND

Our detention system serves the role of providing a place for penalties but also reintegrating incarcerated people and detainees into the community. Studies show that regular communications with families, friends, attorneys, and other important role models enhance the success of reintegration into society and cut down on recidivism.

The detention system houses both those who are unsentenced as well as those who are sentenced. On any given day, the County detention system houses 5,000 incarcerated people. Currently, over 70% are unsentenced in San Diego County jails.

As noted in *A Pocketbook of International Human Rights Standards for Prison Officials*, "No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence." "All prisoners shall have the right to communicate with the outside world, especially with their families." A right is not accessible if the cost to express that right is exorbitant.

Professor Sandra Lee Browning (et al. 2001) suggested that if incarcerated men are actively interacting and involved in the lives of their family members, they will be more aware of how their actions affect their loved ones and, as a result, be less likely to engage in negative behaviors. Investigations such as this support the notion that the bond between a parent and a child may serve as a strong motivator for improved behavior among incarcerated men. Social support is best provided by contact between the incarcerated and their family or other close

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contacts. More and more frequently, phone calls are the preferred method of social support and communication with family members.

A 2014 study of communities in fourteen states found that the costs of maintaining contact by telephone or visitation caused debt problems for more than 34% of families. Brittany FINDER, writing in the Public Contract Journal describes one such family, noting the situation in which a husband is incarcerated and whose telephone bill “regularly exceeded her grocery and electricity bills combined.” Despite this economic hardship, the spouse notes she “would do anything, and pay any amount to keep [her] children connected to their father.”

Maintaining connection between family members is especially important for incarcerated parents. Visitation hours may conflict with hours a child is in school and phone calls may be the only contact with their parent. If the cost is prohibitive for the family, the separation becomes more pronounced. Children with incarcerated parents are particularly vulnerable, by reducing barriers to family support, through accessible phone connections to family, we can improve outcomes for these children.

Adverse Childhood Experiences (ACEs) are a priority in the state of California and should be for this County as well. ACEs encompass three types of adversity: physical and emotional abuse, neglect, and household dysfunction. An assessment of ten factors has been shown to predict risk of health complications later in life including heart-disease, diabetes, obesity, depression, substance abuse, smoking, poor academic achievement, and early death. Having an incarcerated parent and having separated parents are two of the ten adverse experiences that make up a child’s ACE score, placing children of an incarcerated parent at much higher risk for adverse health outcomes.

Increased social bonds make jails safer. A study by researchers Katarzyna Celinska and Hung En Sung (2014) showed that among female incarcerated people, each visit decreased their likelihood to break prison rules by 6%.

Dr. Steven J. Jackson in his article, “Ex-Communication: Competition and Collusion in the U.S. Prison Telephone Industry” showed that as far back as in 1973, the US Bureau of Prisons expanded telecommunications contact for incarcerated people and their families to “permit constructive, wholesome community contact.” Many detention and prison systems followed the Bureau of Prisons in making telephone communications more accessible for detainees and prisoners. But, by the 1990’s a pricing scheme arose creating a big business for jail and prison telecommunications. The County of San Diego has fallen into this trap, sacrificing good practice and outcomes for the lure of commissions from the prison telecommunications industry.

The cost assessed to incarcerated people for telephone communications is exorbitantly high. Under County Contract Number 542145, with Securus Technologies, calls cost between \$.21 and \$.33 per minute. The Securus agreement also includes charges for related communication services such as video visitation (\$19.95 for 20 minutes) and voice messages (\$2 per message).

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This cost applies to those individuals who are awaiting a hearing or sentencing as well as those serving a sentence in the jails. This cost is a barrier to many families, especially lower income families further separating children from their parents and individuals from potential positive influences in their lives.

San Francisco's impetus for the new phone vendor contract was a survey showing the cost of phone calls as the primary barrier to staying in contact with loved ones in prison or jail. Studies show that people who maintain contact with their families while incarcerated are more likely to succeed after they are released and have lower recidivism rates. The majority of people who exit the criminal justice system end up residing with a relative or spouse after their release, and staying connected with family while incarcerated helps maintain these important relationships. Under San Francisco's new contract with GTL, rather than paying the vendor per call minute as families did, the City pays the vendor a fixed monthly rate per phone device. The innovative cost structure better reflects the cost of service paid by the vendor to provide access to phones in all county jails.

The San Diego Strategy Plan 2021-2026 advocates for integrity by putting forth character first and exhibiting the courage to do the right thing for the right reason. There is no better example than renegotiating County Contract 542145 and allowing San Diego incarcerated persons free telephone calls and other forms of communication with family while ensuring the incarcerated person welfare fund stays fully intact.

This request would prohibit County contracts that charge incarcerated persons for the use of communication services; direct the CAO to develop and implement a plan for no-cost communication services for incarcerated persons; and direct the CAO to identify alternative funding sources for incarcerated person inmate welfare programs. This request would also authorize, as necessary, competitive procurement of new communication services agreements and amendment or termination, in whole or in part, of County Contract 542145 with Securus Technologies, Inc.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed request supports the Living Safely Initiative of the County of San Diego's 2021-2026 Strategic Plan. Offering free telephone calls to incarcerated person achieves the 2021-2026 Strategic Plan's mission of providing public services that build strong and Live Well San Diego sustainable communities. When incarcerated person have access to their families and, in turn, families have access to their incarcerated loved ones, San Diego can ensure stronger communities. This also demonstrates integrity by putting forth character first and exhibiting the courage to do the right thing for the right reason.

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Terra Lawson-Remer', with a stylized flourish at the end.

TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)
County Contract 542145
County Contract Amendments 1-10

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
A-87, Competitive Procurement
A-81, Procurement of Contract Services

BOARD POLICY STATEMENTS:

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
County Contract 542145

ORIGINATING DEPARTMENT: Board of Supervisor Terra Lawson-Remer

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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