

## RESOLUTION 09-14-06

### DIGEST

#### State Prisons: Prohibition on Excess Telephone Charges

Adds Public Contract Code section 10108.9 to require state prisons and juvenile facilities to enter into contracts through competitive bidding for inmate payphone service.

### RESOLUTIONS COMMITTEE RECOMMENDATIONS

APPROVE IN PRINCIPLE

#### History:

No similar resolutions found.

#### Reasons:

This resolution amends Public Contract Code section 10108.9 to require state prisons and juvenile facilities to enter into contracts through competitive bidding for inmate payphone service. This resolution should be approved in principle because it would permit low cost phone service for inmates without achieving profits for the state from those to whom inmates place collect calls.

Presently the law allows the state to enter into a contract for jail payphone services that allows for commissions back to the state. The money is used to offset prison operating expenses and is also deposited into the state's general fund. In practice, when an inmate makes a call to the outside, the cost of the call is considerably more than the average cost of making a collect call from a regular payphone. The result of this is that many inmates, including many who may not have yet been convicted, do not make calls due to the cost. Although the present contracts provide additional revenue to the county, they result in prohibitive costs to those to whom inmates are placing calls.

This resolution would require the state to enter into a contract for payphone services that is consistent with normal payphone services. This would still allow the state to maintain public safety by monitoring calls, while permitting inmates to communicate with their families at a lower cost. This resolution would permit inmates to maintain consistent communication with the outside and may lead to less tension in the county jails. A county should not be generating revenue at the cost of the jail population or the public which communicates with that population.

### TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to add Public Contracts Code Section 10108.9 to read as follows:

- 1 §10108.9
- 2 Any contract to provide telephone services to wards of the Department of the Youth
- 3 Authority or to inmates in state prisons shall be negotiated and awarded in a manner to
- 4 provide for the lowest reasonable costs to wards and inmates, and their families and loved
- 5 ones, and to pay for any expenses of the Department of Corrections and the Department of
- 6 the Youth Authority, as well as for the reasonable costs of the Department of General

7 Services for establishing and administering any necessary telephone contract, and profits to  
8 these departments or the state shall not be a basis for awarding a contract.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Los Angeles County Bar Association

#### STATEMENT OF REASONS

Existing Law: Allows California prisons and Youth Authority facilities to enter into telephone service agreements for inmate payphone service with commissions paid to the state.

This Resolution: Would require state prisons and the CYA to enter into telephone contracts that provide the lowest reasonable costs to inmates, and prohibit entering into such contracts with the objective of achieving profits to the state.

The Problem: In order to use the telephone in California state prisons and CYA facilities, inmates are required to make collect calls using telephone providers under contract to the state. Instead of entering into telephone service contracts that provide the lowest possible cost to inmates in light of the special services required (monitoring, etc.), state prisons and the CYA enter into contracts that provide substantial kickbacks (or "commissions") to the agencies and the state. These funds are used to offset ordinary jail operating expenses and deposited into the state's general fund. As a result, those often least able to pay – the children, spouses, parents, and friends of inmates – are left holding huge bills for the most basic communication. The problem has become so pervasive many inmates are unable to maintain contact with their families due to the cost. This proposal would require the state to select telephone vendors who provide the services required for public safety at the most reasonable cost to those called. This proposal is identical to Sen. Bill 1978 (Reg. Sess. 1999-2000) which was approved by the Assembly and Senate but vetoed by then-Gov. Davis, who cited the loss of revenue to the state's general fund as the reason for veto.

#### IMPACT STATEMENT

This proposed resolution does not affect any other law, statute or rule.

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