

SUBJECT: Requiring TDCJ to install inmate pay telephone service

COMMITTEE: Corrections — committee substitute recommended

VOTE: 4 ayes — Madden, Hochberg, Dunnam, Jones

0 nays

3 absent — McReynolds, Haggerty, Oliveira

WITNESSES: For — Joan Burnham, Austin/Travis County Reentry Roundtable; Delia Cabello, Concerned Christians for Inmates; Edwin S. Davis, Restorative Justice Ministries Network of TX; Helga Dill, TX CURE (Citizens Untied For Rehabilitation of Errants); Curtis Hopfinger, Securus Technologies, Inc; Nicole Porter, American Civil Liberties Union of Texas; Cheryl White Mynar, Global Tel*Link; Cynthia Cabello; (*Registered, but did not testify*: Verna Lee Carr, People Against Violent Crime; Will Harrell, ACLU, NAACP, LULAC; Dean McWilliams, Unisys Corp.; Susan “Suzi” Paynter, Christian Life Commission Baptist General Convention of Texas; Janice Sager, Texans for Equal Justice; Ana Yanez Correa, Texas Criminal Justice Coalition;)

Against — None

On — Brad Livingston, Texas Department of Criminal Justice

DIGEST: CSHB 1888 would require the board of the Texas Department of Criminal Justice (TDCJ) to award a contract to a single private vendor to install, operate, and maintain an inmate pay telephone service. The contract would be for at least seven years and would have to contain an option to renew the contract for additional two-year terms. The contract would be awarded by September 1, 2008.

TDCJ would be required to request proposals from private vendors for the inmate pay telephone service. Under the contract, a vendor would have to provide installation, operation, and maintenance of the phone service without any cost to the state and would have to pay TDCJ a commission of at least 40 percent of the gross revenue from the service. There would

have to be a ratio of no more than 30 eligible inmates per communication device at each facility.

The phone system would have to:

- compile approved inmate call lists;
- verify numbers to be called by inmates, if necessary;
- oversee the entry of personal identification numbers;
- use a biometric identifier of the inmate making the call;
- generate certain types of reports;
- network the systems in all individual units to allow the same monitoring from department headquarters that was available at all facilities; and
- use cellular telephone detection technology.

CSHB 1888 would make other requirements of the system, including that it be fully automated and that it provide on-site monitoring of calling patterns. No charges could be assessed for uncompleted calls, and charges for local calls could not be greater than the highest rate for local calls for inmates in county jails. Inmates and persons acting on their behalf would have to be able to prepay for the service.

TDCJ, with board approval, would have to adopt policies governing inmate use of the pay phones. The policies could not unduly restrict calling patterns or volume and would have to allow each eligible inmate to make an average of eight calls per month, at an average of 10 minutes each.

TDCJ would have to ensure that inmates were allowed to call only persons who were on a pre-approved call list. All calls, except for confidential attorney-client communications, would have to be recorded and preserved for a reasonable time for law enforcement and security purposes.

The system also would have to allow for periodic review by the state auditor of information about billing procedures and statements, rate structures, commissions, and service metering.

Fifty percent of the commissions paid to TDCJ by the vendor would go to the crime victims compensation fund and the rest to general revenue, except that the first \$10 million each year would have to go to the crime victims compensation fund.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS
SAY:

CSHB 1888 would give prison officials a useful management tool while generating new revenue for crime victims and the state and supporting the reintegration and rehabilitation of offenders. The bill would ensure that the inmate telephone service would be implemented in a secure way that contributed to crime detection and prevention by taping all calls except those between prisoners and their attorneys.

Currently, eligible inmates in state prisons are allowed one, five-minute collect phone call every 90 days, and offenders in state jails are allowed one five-minute collect call every 30 days. To facilitate these calls, inmates must be escorted individually to a regular phone in a room at a unit and a staff member must remain in the room to monitor the call. This is a labor-intensive practice that pulls correctional officers away from other important duties.

The system to be established under CSHB 1888 would be similar to the ones operated by many county jails in Texas — including jails in all major counties — and by the vast majority of states. Inmate telephone services in these venues have been safely and successfully operated, and there is no reason that TDCJ would have similar results. Texas is the only state that does not operate a pay phone system for its prisoners.

CSHB 1888 would provide a useful prison management tool. Currently phone calls are limited to inmates with good behavior records, and the bill would increase the potential to use phone access as a carrot to induce good behavior because phones in the new system would be placed in common areas, such as day rooms, and inmates would be allowed at least eight calls per month. TDCJ would retain its current authority to decide who had earned the privilege of using the phones.

Access to more telephone calls would help inmates stay in touch with their families. This is especially important for parents who are inmates and need to stay connected to their children, and for elderly or infirm family members who may have trouble traveling to visit an inmate. The charges that families would pay for phone calls would be much less than the costs of gas, food, and lodging incurred by many families visiting inmates.

Maintaining family relationships through phone calls can be a great help for inmates upon reentry into society.

CSHB 1888 would be a new source of revenue for the state, and crime victims especially would benefit from the bill. State revenue from the phones would go first to the crime victims compensation fund for payments to victims and programs that aid victims. The rest would go into the general revenue account. When fully implemented, the system is expected to generate between \$25 and \$30 million in revenue for the state.

The bill could help in the investigation and prosecution of crimes. Other entities with inmate phone systems have used the monitoring function to overhear inmates planning and discussing crimes, which later enabled them to make arrests in the cases. By reducing the demand for cell phones and requiring cell phone detection capabilities, CSHB 1888 also would help reduce incidents of cell phones being smuggled into correctional facilities, a practice that creates a serious security risk.

There are many features in CSHB 1888 to ensure the implementation of a safe, secure phone system that would not be abused to plan crimes or further harm victims. Inmates would be able to call only pre-approved numbers, and the systems would have call forwarding and three-way calling detection capabilities to ensure that calls made to pre-approved numbers were not be forwarded to other numbers. In addition, all calls would be monitored and calls would be restricted to inmates who had earned phone privileges.

The specific requirements in the bill are included to ensure that the system would meet the needs of the state. With current technology, vendors should have no difficulty meeting all of the bill's parameters. Because TDCJ has not used its current authority to implement an inmate pay telephone system, it is appropriate for the Legislature to use HB 1888 to signal its intent that the agency do so.

**OPPONENTS
SAY:**

Increasing inmate access to phones could increase crime and potential harm to victims and others in the outside world. Offenders are experts at exploiting weaknesses in correctional facilities and likely would find ways to use expanded phone access to plan illegal activities.

CSHB 1888 is unnecessary because TDCJ could implement an inmate pay telephone system under its current authority. It would be best to let

corrections professionals make decisions about implementing a phone system and what shape such a system should take. CSHB 1888 contains many specific requirements that might make awarding a contract difficult.

NOTES:

The committee substitute made several changes to the original bill, including changing the minimum contract from five to seven years, eliminating a requirement that the contract must allow for automatic renewal until the vendor's capital was recouped, and adding the requirement that inmates be allowed a minimum of eight, 10-minute calls.

The companion bill, SB 1580 by Van de Putte, passed the Senate on the Local and Uncontested Calendar on April 26 and was reported favorably, without amendment, by the House Corrections Committee on April 30.

According to the Legislative Budget Board, the bill would generate approximately \$15 million for the crime victims compensation fund in fiscal 2008-09.