



Senator Holly J. Mitchell

SB 555 – Jail FACTS (Fair Access for Connections To Support)

THIS BILL

This bill will promote economic stability and connections for families by reducing the cost of communications and commissary items in county jails, and alleviating financial hardships resulting from incarceration in county jails. This bill will also promote fiscally responsible county contracts with jail service providers and use of money in a county's "Inmate Welfare Fund" (IWF). This fund is also to be renamed, "Incarcerated People's Welfare Fund." Through these changes, this bill will support successful reentry of jail populations back into the community.

PROBLEM

Under California's current system, local governments contract with private companies to provide goods and services inside local jails. The current contracting system allows both entities to profit by placing a heavy financial burden on the incarcerated people and their loved ones who use these services.

Existing law allows each of the 58 county sheriffs to independently negotiate contracts with private companies that provide communications and commissary services to county jails. These contracts and services are largely unregulated, which has resulted in private companies charging unaffordable rates and fees for phone calls, video visitations, and other forms of electronic communications. The cost of commissary items is also largely unregulated, which leads to high and disparate costs from county to county.

The problem is twofold: a huge financial burden to families *and* an unreliable funding source for county jails. Communications providers have learned how to take advantage of local

government contracting. The result is that county sheriffs sign contracts with high rates that are particularly profitable for the providers. These companies are effective at drafting self-serving contracts, while jail staffs, with fewer resources, are at a disadvantage in negotiating sophisticated telecommunications contracts, and may even rely on language suggested by the providers. Meanwhile, companies also slip in hidden fees that exploit families and shortchange facilities.

Additionally, the funds made from commissary items, and phone and electronic communications are deposited into the county IWF. The IWF originally required that it be used solely for the benefit, education, and welfare of incarcerated individuals. Amendments to statutory language governing the expenditure of IWF have expanded the permissible use of these funds for things beyond the scope of the fund's original intent. For example, some counties have bought security cameras and purchased transport vans for jail-to-court commutes.

Due to the financial burden on their families and friends, incarcerated individuals often lose contact with their support systems on the outside. This loss of support can have serious mental health implications, makes the process of preparing for reentry even more difficult, and can negatively impact case outcomes for those held in jail pretrial.

SOLUTION

At the state level, SB 81 (2007) disallowed the commissions from private companies that provide telephone services to the California Department of Corrections and Rehabilitation (CDCR) have been eliminated. The purpose of this bill is to similarly reduce the costs of phone calls at the county level, and to expand these cost

reductions to other forms of communications as well as commissary items sold in jail stores.

Specifically, this bill will:

- Limit the costs of phone and electronic communications charged to people incarcerated in county jails and their loved ones;
- Eliminate any price mark-ups of items sold in jail commissaries;
- Assist local governments in executing fiscally responsible and fair contracts by offering guidance to county jails and preventing certain contract practices by private communications and commissary providers.
- Redefine permissible expenditures of county inmate welfare funds, and;
- Rename county “inmate welfare funds” as “Incarcerated People’s Welfare Funds.”

SUPPORT

Children’s Defense Fund-CA (sponsor)
Freedom for Immigrants (sponsor)
Friends Committee on Legislation of California (sponsor)
Lawyers’ Committee for Civil Rights of The San Francisco Bay Area (sponsor)
The Women’s Foundation of California, Women’s Policy Institute (sponsor)
TransLatin@ Coalition (sponsor)
Young Women’s Freedom Center (sponsor)



FOR MORE INFORMATION

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