

Expensive inmate calls a tax on the poorest, advocates say - High fees for phone contact called unfair burden on the indigent

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Gina Escalera struggles to pay for phone calls with her son, who is in the Hillsborough County Jail on a contempt of court charge.

"It's really not that expensive, but when you've got to try and send them packages so they can eat, or put money on their phone, when you're on a limited budget, it's tough," Escalera said.

Escalera's struggle is part of a national debate over the fees charged to inmates and their families to communicate.

Advocates for inmates say the costs levied on people in jail by private phone companies — with significant portions given to sheriffs and prison adminis

trators — amount to a tax on the poor.

They note that studies show when prisoners are able to keep in touch with loved ones, they are less likely to commit crimes after they are released. They argue, therefore, that limiting those communications by charging too much is bad public policy.

Every local phone call from the Hillsborough County Jail costs inmates a flat fee of \$2.25, which works out to 15 cents a minute if the call lasts for 15 minutes — the maximum amount of time permitted for each inmate call.

On top of that, Escalera pays a fee of \$8.95 when she deposits money into her son's phone account. With tax, that means a \$15 deposit balloons to \$25. So the per-call cost is more like \$3.75.

"It's crazy," said Escalera, who said she is disabled and lives on Social Security. "I talk to him every other day. I try to keep it to a minimum, though. It probably costs me about, I want to say, \$100 a month ... \$75 to \$100 a month."

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Escalera said it's much worse for her mother, who lives in New York and tries to talk to her grandson regularly.

According to the provider's contract with the sheriff, the charge for prepaid interstate calls is a flat charge of \$3.15.

Escalera said when her mother adds \$25 onto her grandson's phone account, it costs her \$40. That pays for less than eight 15-minute phone calls, bringing the cost of each call to about \$5.

The Hillsborough County Sheriff's Office has collected between \$1.6 million and \$1.9 million each year in commissions from its inmate phone provider. The contract calls for commissions for the sheriff's office of between 62.5 percent and 70 percent of the revenues from calls, with certain minimum payments to the sheriff's office specified.

One inmate advocate called these kinds of commissions "kickbacks."

Carrie Wilkinson, prison phone justice director for the Human Rights Defense Center, said she uses that term "because that's what it is. ... They don't like our term. They think we're insinuating that they're doing something illegal. They are kickbacks. They're telling the sheriff, if you let us have this monopoly, we'll give you this much money. And that's a kickback."

Wilkinson said there is no reason jails and prisons can't have more than one provider, allowing for competition and lower rates.

In Hillsborough County, the commission money goes into an inmate welfare account, which funds things like drug treatment counselors and services for religion, re-entry and education, according to Col. Kenneth Davis. He said the account also pays for items that benefit inmates, such as televisions, recreational items and games.

Davis said the sheriff's office budget pays for everything the county is legally required to provide, including food, medical care and utilities. None of that comes from the phone contract.

The phone fund, which also gets money from the jail canteen, has also paid for programs such as one that trained inmates for jobs in the culinary arts, something that should help reduce the recidivism rate, Davis said.

Davis didn't dispute the argument that hampering communications between inmates and loved ones could increase recidivism, saying that was a "relevant conversation. I don't take any issue with any of it. Each side has a position and an opinion that isn't unreasonable."

He said there is money in the inmate welfare fund for prisoners who are indigent. "Inmates that don't have any money get a stipend from that inmate welfare fund that also enables them to buy some of those items that we don't provide," such as candy bars and headphones.

Wilkinson said she has no reason to doubt what Davis said about how the phone revenue is used in Hillsborough County. In other places, she said, the money has been used for stun guns and police cars.

But, Wilkinson argued, even if the money is used for inmate welfare, the poorest families in the county should not have to subsidize that for all inmates.

"We tried hard to get the kickbacks eliminated," Wilkinson said. "The FCC couldn't take that step. They didn't think they had the authority to do that. If Hillsborough County wasn't raking in 60-some-odd percent from some of your poorest citizens, how much could the rate costs be reduced?"

"A lot of sheriffs and (departments of corrections) say that money goes to inmate welfare funds," said Aleks Kajstura, legal director for the Prison Policy Initiative. "But the funds don't always come out. The balance ends up in the millions. ... Sometimes, if the money is in an inmate welfare fund, it gets used for building maintenance. Sometimes it gets used for staff salaries."

If Hillsborough County is "using the money as intended, that puts them on the better side," she added.

Davis invited an audit of the inmate welfare fund, which he said has a balance of between \$5 million and \$6 million, an amount he said is fairly stable. The money that comes in each year, he said, is usually spent. Every four or five years, the fund incurs a large expense, such as replacing all the televisions in the jails, Davis said.

"There's a substantial amount in there," Davis said. "We don't have a whole lot of personnel being paid out of that. We are very careful about not letting it get personnel heavy because we want to make sure if we have a decrease, like when the FCC changes the rules and that revenue goes away, we don't want to lose treatment counselors and the couple of things that we feel are absolutely beneficial to have. We want to make sure we always have that."

The Hillsborough County Jail's inmate phone contract has another provision that inmate advocates said is unusual. It calls for CenturyLink, the service provider, to pay \$10,000 a year to a charity designated by the sheriff. "Initially, the charity recipient was the Florida Sheriff's Youth Ranch," Davis said. "Currently the Boys & Girls Clubs of Tampa Bay is the stipulated recipient."

Davis said the reason for that is the sheriff prefers to work with local businesses that have a stake in the community. When he has a contract with a national provider like CenturyLink, he wants the provider to make some contribution that helps the community.

Kajstura called the provision "odd." She questioned allowing the sheriff to designate the charity.

"Seems like it's going to a good place right now, but you never know what will happen in the future," she said.

Davis said he didn't write the contract, and if he did, he would have merely required that the company make the donation to a local charity of its choosing.

Another prisoner advocate questioned the requirement. "Why should the poorest families in the county be giving money to the sheriff to generate a thank you note?" said Peter Wagner, executive director of the Prison Policy Initiative.

The FCC is trying to limit the charges for inmate phone calls and in October issued an order to rein in what one commissioner said were "untenable, egregious and unconscionable" costs, reaching, in some instances around the country, more than \$50 for a single call.

The FCC's October order capped per-minute charges for inmate calls and banned all but three kinds of ancillary fees. Service providers appealed in federal court, and the per-minute limits were stayed.

Left in place were the restrictions on ancillary fees, which go into effect June 20 for jails. So inmates and their families will no longer have to pay the \$2.25 flat fee on local calls and \$3.15 for interstate calls from the Hillsborough Jail, or the \$8.95 fee for adding money to inmates' phone accounts.

The flat fee will be banned, but it could be replaced by a per-minute charge. The fee for depositing money in an inmate phone account will be limited to \$3, or \$5.95 if an actual person handles the transaction.

Advocates say that although inmates are charged for 15-minute calls, the calls are frequently cut off, often because of issues like bed

counts or noise in the line that the provider misinterprets as impermissible actions, such as call forwarding or three-way calls.

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Davis said that happens, and if a call is significantly cut short because of the jail administration's actions or through the fault of the provider, the inmates who complain are refunded.

A spokeswoman for CenturyLink declined to comment for this story.

Inmates in Florida state prisons are charged significantly less than their county jail brethren for phone calls. According to the state's contract, they are charged a flat fee of 50 cents for local calls and \$1.02 for other calls.

"The prisons tend to do better, honestly," Kajstura said, "probably because prisons are run by larger administrations. On the one hand they have economies of scale going for them. They're more likely to follow best practices. And they have folks who are incarcerated for longer periods of time."

"State prisons are run by people who read magazines that have words like best practices in them," Wagner said. "Often county jails are run by elected officials and their college roommates. State prison officials are increasingly aware that it's at best penny wise and pound foolish to rip off families."

"Have they taken a look at the state prison system in Florida and say they're more professional than us?" Davis said incredulously when told of the comments. "Every sheriff's office isn't created equal." He again invited the groups to audit the inmate welfare fund. "I'm telling you they won't have any criticism for how we spend that."

According to the state Department of Corrections, Florida doesn't receive commissions from its inmate phone contract with Securus Technologies. That's a change from past years, when the state received between \$1 million and more than \$6 million. In fiscal year 2014-2015, the department received a little more than \$5 million.

Kajstura said ending the state's commissions was probably an effort to comply with a new FTC regulation that limited the sources of such commissions.

She noted that the most recent contract amendment calls for the contractor to provide other items and services instead of a commission, including cellphone-detection systems, access to some databases and security systems.

esilvestrini@tampatrib.com

813-259-7837

Twitter: @ElaineTBO

• Record: 508377

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