



October 8, 2020

Scott Haggerty, District 1
Richard Valle, District 2
Wilma Chan, District 3
Nate Miley, District 4
Keith Carson, District 5

Alameda County Board of Supervisors

Cc: Brendon D. Woods, Alameda County Public Defender's Office
Nancy O'Malley, Alameda County District Attorney's Office

Re: Global Tel*Link's Contract with Alameda County Providing Telecommunication Services at Santa Rita Jail

Dear Alameda County Board of Supervisors:

The undersigned organizations write to provide input regarding Alameda County's contract with Global Tel*Link (GTL), the telecommunication services provider in Santa Rita jail, and to urge the Board to eliminate the inflated cost of phone and video communication to people incarcerated in Santa Rita jail and their families. The current GTL contract is burdensome to incarcerated people and their loved ones, as it forces families to forgo basic necessities to pay for the costs of GTL's services and, in some cases, prevents families from communicating altogether. Our organizations are service providers that work with people who are currently or formerly incarcerated in Santa Rita jail and are profoundly concerned about the effect the high cost of phone and video communications has on those within the jail, their families, and our Bay Area communities.

Regular Communication Between Those in Jail and Their Families Carries Tremendous Benefits

The benefits of regular contact between incarcerated people and their loved ones are well-established. Studies show that maintaining close contact with family members outside of jail or prison significantly improves the health and reentry success of incarcerated people.¹ It also results in better post-release outcomes and lower rates of recidivism.² In fact, in marketing its tablet technology to correctional facilities, GTL itself approvingly cited a study from the Minnesota Department of Corrections finding "that regular communication with loved ones

¹ Saneta deVuono-powell, Chris Schweidler, Alicia Walters, Azadeh Zohrabi, "Who Pays? The True Cost of Incarceration on Families." Oakland, CA: Ella Baker Center, Forward Together, Research Action Design (2015).

² Friedmann, Alex, "Lowering Recidivism through Family Communication." Prison Legal News, Apr. 2014, www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-family-communication/ (collecting studies).

resulted in a 13 percent drop in felony reconviction and a 25 percent drop in technical violations."³ Moreover, regular communication also directly benefits the families of incarcerated persons, as research shows that those who were not able to regularly talk or visit with their loved ones within a correctional facility were much more likely to report experiencing negative health impacts related to the loved ones' incarceration.⁴ In our own work, we see how much harder it is for clients to plan for their reentry and to regain their footing in the community when they have been unable to maintain contact with the people in their lives.

The Hefty Cost of GTL Communication Unfairly Burdens Poor Communities and Punishes People and Their Families Before Judgment in Their Criminal Cases

Despite the clear benefits of maintaining contact—and the harm of not being able to do so—the cost alone of using telecommunication services in Santa Rita jail often prevents people from utilizing basic phone and video services while they are incarcerated. Alameda County contracts with GTL to provide telephone, video, and tablet services in Santa Rita jail. The cost of a 25-minute phone call averages \$5.25⁵, while a 25-minute video session averages a hefty \$6.25.⁶ GTL also charges a transaction fee of \$5.95 each time someone adds money to a prepaid account, regardless of the amount of money deposited.⁷ As a result of these significant costs, our clients have reported not being able to call their loved ones or family members refusing their calls because they could not afford to accept the charges.⁸ Other families pay hundreds of dollars in fees to remain in contact, in some cases taking up additional jobs to pay the phone bills.⁹

While the high cost of phone and video services has been a long-standing problem, its impact is particularly harsh during the COVID-19 pandemic when in-person visitation has been suspended at Santa Rita jail, and phone or video calls remain the only option for maintaining regular communication. And this impact is felt especially by low-income communities. Families already struggling to meet their most basic needs often have to make the impossible choice between remaining connected with their loved ones or paying for necessities such as food, medicine, utilities, and hygiene items. A 2015 report found that the high cost of maintaining contact with incarcerated family members by phone and through visits pushed more than one in three families into debt.¹⁰ Poor families in the Bay Area, where affordable housing virtually does not exist and the prospects of homelessness are particularly high, are especially impacted by

³ Peters, Brian, "Tablets: Reducing Recidivism and Increasing Efficiency in Corrections." Correctional News. p. 44. Jan.-Feb. 2018. <http://viewer.zmags.com/publication/395203a2#/395203a2/1>.

⁴ Saneta deVuono-powell, Chris Schweidler, Alicia Walters, Azadeh Zohrabi, "Who Pays? The True Cost of Incarceration on Families." Oakland, CA: Ella Baker Center, Forward Together, Research Action Design (2015).

⁵ Information obtained during phone call with a GTL customer service representative on 9/14/20.

⁶ See Alameda County Sheriff's Office, "Inmate Rules and Information" p. 21 (rev. June 2019).

⁷ Information obtained during phone call with a GTL customer service representative on 9/14/20.

⁸ During the current COVID-19 health pandemic, while all in-person visits have been suspended, the jail has provided three free 15-minute phone calls and one free 15-minute video call. Some of our clients report that this is the first time they have ever been able connect with their families while incarcerated at Santa Rita jail.

⁹ Bay City News, "Alameda County One of Three Counties Sued Over High Jail Phone Rates" (August 2016), <https://patch.com/california/dublin/alameda-county-one-three-counties-sued-over-high-jail-phone-rates>.

¹⁰ Saneta deVuono-powell, Chris Schweidler, Alicia Walters, Azadeh Zohrabi, "Who Pays? The True Cost of Incarceration on Families." Oakland, CA: Ella Baker Center, Forward Together, Research Action Design (2015).

these costs.¹¹ These impacts are further compounded for women, who often bear the financial costs of maintaining contact with incarcerated family members.¹² The cost of maintaining family ties by phone and video strips many poor families of critical funds, in addition to harming businesses in the community where that money might otherwise go.

The cost of telephonic communication in county jails also punishes people before they are ever convicted of a crime. In any given day, 3 out of 4 people held in jails have not been convicted, and most are held in pretrial detention unless they can make bail.¹³ The high costs of basic phone usage puts people at risk of losing jobs, housing, and custody of their children while awaiting trial.¹⁴ It can also make it harder for people to contact those who might help them post bail or build their defense, and can drive up costs to communicate with their counsel.¹⁵

GTL Technology Fails to Deliver on the Promise of Facilitating Reliable Communication

GTL often fails to even deliver reliable, stable communication technology. Under GTL's contract with Alameda County, GTL is required to provide a telephone system package that has "reliability, stability, and ease of use throughout the term of the Agreement" and to keep software and hardware for its telecommunication systems up to date.¹⁶ However, our clients and their families who actually pay to make phone or video calls report experiencing significant technological issues when using GTL's systems, including poor audio or video quality, voice echoes, audio delays, and dropped calls¹⁷, which undercut effective and meaningful communication. Our attorneys also routinely experience some of the same technological issues when making video calls with clients using the GTL system.¹⁸ GTL Regional Vice President of Business Development Mr. Dunnington admitted at the June 2020 Public Protection Committee meeting that GTL has not updated its equipment at Santa Rita jail in over four years. The inevitable result is that families pay a high premium for substandard phone and video service that is marked by technical malfunctions, despite the contractual obligation to provide reliable, stable, and usable phone and video services. GTL's systems are even more prone to technical malfunction during the COVID-19 pandemic, when the jail is seeing an increase in use of telecommunication services.

¹¹ In 2020, the fair market rent for a 2-bedroom apartment in Alameda County is \$2,239/mo, one of the highest in the state. See National Low Income Housing Coalition Report, "Out of Reach: The High Cost of Housing" (2020), https://reports.nlihc.org/sites/default/files/oor/OOR_2020.pdf.

¹² In the 2015 study, participants reported that when family members were primarily responsible for meeting the financial burdens of phone and visitation, 87% of those family members were women. See Saneta deVuono-powell, Chris Schweidler, Alicia Walters, Azadeh Zohrabi, "Who Pays? The True Cost of Incarceration on Families." Oakland, CA: Ella Baker Center, Forward Together, Research Action Design (2015).

¹³ Peter Wagner, Alexi Jones, "State of Phone Justice." Prison Policy Initiative (2019); see also Alex Friedmann, "Lowering Recidivism Through Family Communication," Prison Legal News (2014). <<https://www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-family-communication/>>

¹⁴ *Id.*

¹⁵ *Id.*; see also Vogt, BJ, "How the High Cost of Calls in Jail Restricts Legal Access," Law360, Mar. 10, 2019, <https://www.law360.com/articles/1135876>.

¹⁶ Exhibit A-1 Statement of Work, D(1)(a)(1). Master Contract no. 901510.

¹⁷ On their web site, Alameda County Sheriff's Office acknowledges that GTL's systems may terminate calls simply because the person on the other end happened to receive another call. See https://www.alamedacountysheriff.org/dc_srj.php.

¹⁸ At Santa Rita jail, attorneys are allowed free 25-minute video calls with clients during the COVID-19 pandemic using the same system family members use to make paid video calls to their loved ones in jail.

Santa Rita Jail's Commission Arrangement with GTL is Unjust

In exchange for the contract with GTL, Santa Rita jail receives a commission of at least \$2.3 million dollars a year, which goes to the inmate welfare fund.¹⁹ This commission is grossly misguided, as it simply shifts the costs of maintaining jail programs to those incarcerated and their families—predominantly people of color, people with disabilities, and people who are already struggling to make ends meet. Commissions like these are effectively a punitive tax to build revenue and supplement jail budgets, at the expense of the very people they are stated to support—and the very people least able to afford it.²⁰ While this commission represents a huge sum to raise on the backs of poor communities, it is less than 1% of the Alameda County Sheriff Office’s annual budget.²¹ Alameda County’s practice financially profits off of incarcerated people and their families, as opposed to other county practices such as San Francisco and New York City that have recognized the harm such commission arrangements cause and offer free phone calls in jail. Recognizing the drain GTL costs have on people, the San Francisco Board of Supervisors recently unanimously passed the "People Over Profits" Ordinance to curb the county from generating revenue from incarcerated people in this way.²² Under the county’s new negotiated contract with GTL, rather than relying on families to pay the vendor per minute for phone and video calls, San Francisco pays GTL a fixed monthly rate, which better reflects the cost of the service paid by GTL.²³ New York City implemented a similar system in 2018.²⁴

We strongly urge efforts to eliminate the excessive cost of video and phone calls for people incarcerated in Santa Rita jail and their families. This is a necessary step towards ensuring equity and reducing fees that disproportionately impact our most vulnerable populations.

Thank you for your consideration.

Sincerely,

Deep Kaur Jodhka, Supervising Attorney, DJodhka@baylegal.org
Emily Juneau, Staff Attorney, EJuneau@baylegal.org
Becca Schonberg, Staff Attorney, BSchonberg@baylegal.org
Vish Soroushian, Staff Attorney, VSoroushian@baylegal.org

¹⁹ Exhibit B Payment Terms, I(2). Master Contract no. 901510.

²⁰ Justin Carver, An Efficiency Analysis of Contracts for the Provision of Telephone Services to Prisons, 54 FED. COMM. L.J. 391, 400 (2002).

²¹ See A Resolution of the City Council for the City of Berkeley Requesting that the Alameda County Board of Supervisors Delay Voting on the Alameda County Sheriff Proposal to Receive an Additional \$85 Million Annually to Dramatically Increase the Sheriff’s Office Budget for Santa Rita Jail During a Pandemic Crisis, Resolution No. 69, 371-N.S. (Apr. 21, 2020).

²² The Financial Justice Project, “SF Board of Supervisors Unanimously Passes People Over Profits Ordinance!” (July 2020). <<https://sfgov.org/financialjustice/whats-new/sf-board-supervisors-unanimously-passes-people-over-profits-ordinance>>

²³ Office of the Mayor Announcement, “San Francisco Announces All Phone Calls from County Jails are Now Free” (August 2020). <<https://sfmayor.org/article/san-francisco-announces-all-phone-calls-county-jails-are-now-free>>

²⁴ Aris Folley, “New York City Becomes First Major City to Make Phone Calls from Jail Free,” The Hill (May 2, 2019). <<https://thehill.com/homenews/state-watch/441767-new-york-city-becomes-first-major-city-to-make-phone-calls-from-jail>>

Organizations:

ACLU of Northern California

Asian Prisoner Support Committee

Bay Area Community Services

Bay Area Legal Aid

Communities United for Restorative Youth Justice

East Bay Community Law Center

Ella Baker Center for Human Rights

Homeless Action Center

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

National Lawyers Guild San Francisco