



**COMMUNITY
LEGAL SERVICES**
IN EAST PALO ALTO

August 7, 2020

Chair Assemblymember Lorena Gonzalez
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Re: SB 555 (Mitchell): Jail FACTS Act - SUPPORT

Dear Chair Gonzalez,

On behalf of Community Legal Services in East Palo Alto (“CLSEPA”), I write in strong support of SB 555- the Jail Fair Access for Connections to Support (FACTS) Act. The Jail FACTS Act will reduce the heavy financial burden placed on the families and support systems of incarcerated individuals. SB 555 aims to eliminate the exorbitant costs of communications (including phone calls, video visitation and electronic communications), regulate the prices for goods sold inside county jails (hygiene products and food), and require that profits made from these services are reinvested to support people incarcerated in California County Jails, as well as their transition back into their communities.

CLSEPA is a non-profit legal organization offering free legal services that improve the lives of low-income families throughout the region specializing in immigration, housing, workers’ rights, reentry and criminal records dismissal, and consumer protection.

California county jails have been shown to charge up to \$17 for a 15-minute phone call,¹ which is nearly 3 times as high as the cost in California state prisons. Furthermore, markups on commissary items make it difficult, if not impossible, for incarcerated people to afford basic necessities. The high cost of utilizing these services disrupts not only the economic stability of incarcerated people, but also their families and support systems on the outside.

These costs have devastating impacts on families and communities, specifically those financially supporting incarcerated loved ones. Research shows that 1 in 3 families with incarcerated loved ones go into debt due to the costs of phone calls and visits alone.² The cost of keeping in touch with incarcerated people falls most heavily on their families, and disproportionately on low-income women of color. Because of these costs, incarcerated people often lose connection with support systems on the outside. This can have serious mental health implications and makes the process of preparing for reentry even more difficult.

¹ Wagner, Peter, and Alexi Jones. “State of Phone Justice: Local Jails, State Prisons and Private Phone Providers.” Prison Policy Initiative, Feb. 2019, available at: prisonpolicy.org/phones/state_of_phone_justice.html

² “Who Pays? The True Cost of Incarceration on Families.” Ella Baker Center for Human Rights, Forward Together, & Action Design, Sept. 2015, available at: whopaysreport.org/who-pays-full-report/

Under California's current system, each of the 58 county sheriffs independently negotiate contracts with private companies to provide communications services and commissary, and counties profit from these contracts. The law mandates that profit generated from these contracts is placed into the Inmate Welfare Fund (IWF)³, and states that the IWF must be used primarily for the wellbeing of incarcerated people. However, loopholes in the law have enabled these funds to be spent in other ways. Additionally, in part due to the lack of regulation of these contracts, private companies are charging unaffordable rates and fees for communications and commissary items. These companies have learned how to take advantage of local government contracting, drafting self-serving contracts, while jail staffs with fewer resources are at a disadvantage in negotiations. Meanwhile, companies also slip in hidden fees that exploit families and shortchange facilities.

This issue is gaining national momentum: Texas prisons have cut phone call costs from 26 cents per minute to 6 cents per minute; New York City has eliminated the cost of jail calls altogether; California has reduced the cost of calls in state prisons. There is also a legislative effort underway at the federal level to increase the Federal Communications Commission's ability to regulate the cost of calls from jails and prisons. But still, our jails fall behind. It is time for California to adopt the solution provided by SB 555.

By passing SB 555, California can become a champion and leader in promoting economic stability within communities most impacted by the criminal justice system.

Respectfully,

Katrina Logan

Katrina Logan
Directing Attorney
Economic Advancement Program

Cc: Emily Harris, Ella Baker Center (jailfacts@gmail.com)
Assembly Appropriations Committee: approps.committee@assembly.ca.gov

³ This bill also proposes changing the name of this fund to the "Incarcerated Peoples' Welfare Fund."