



## Washington State Joint Legislative Task Force on Jail Standards

### MEETING MINUTES

April 19, 2023 3:00 – 5:00 p.m.

<b>1.</b>	<b>Welcome</b> <ul style="list-style-type: none"><li>• Co-chair Devon Schrum welcomed Task Force members to the ninth meeting of the Joint Legislative Task Force on Jail Standards.</li><li>• Devon Schrum led the task force through an icebreaker exercise, inviting them to reflect on something that has stuck with them from previous meetings.</li><li>• Devon Schrum reviewed the agenda. The task force adopted the agenda for the April 19 meeting.</li><li>• Devon Schrum reviewed the March meeting minutes. The task force approved the minutes.</li><li>• Establishment of quorum. See list below.</li></ul>
<b>2</b>	<b>Telecommunications, Commissary and Rates</b> <b><i>Impacts on Friends and Family – Melody Simle</i></b> <ul style="list-style-type: none"><li>• Melody Simle informed the group that her family member was incarcerated for about ten years, and spent nearly a year in the Snohomish County Jail. During his incarceration, Melody became aware of the multiple systems to support her brother. She noted that the email system was terrible and she ended up losing her money once, with no ability to get a refund. Consequently, Melody noted she ended up solely switching to telephone calls. Melody encouraged the group to consider the difficulties elderly family members may face navigating these systems.</li><li>• Melody noted that the costs of calls, emails, and commissary extracts profits from families who are often not making much to begin with. For example, she has had to pay a fee of \$6.95 to put \$20 on a person’s account. She stated that many families go into debt just trying to maintain connections and provide food and necessities.</li><li>• Melody recently found out that jails are required by law to have inmate betterment funds. In her view, institutions may rely on betterment funds to cover items that their budgets should cover. Melody concluded by asking the following questions to the group:<ul style="list-style-type: none"><li>○ Who is negotiating these contracts (telecommunication, commissary contracts) and where is the transparency?</li><li>○ Who is looking out for the communities of families and friends of the incarcerated? In addition, when did it become okay to generate profit from our misery to operate jails?</li></ul></li></ul>

***Lessons learned from Contracting and Implementation – Chief Wendy Jones, Whatcom County Jail***

- Wendy began by noting that she is sharing her experience with contracting and implementing telecommunications in Whatcom County, and other jails across the state likely have different experiences. Wendy noted that the attitude of the community, the leadership of the jail, and constraints that may be put on the jail through county administration could shape contracts and services.
- Wendy stated that contracting for services in jail is challenging due to resource constraints, including lack of money, training, and subject matter expertise. She added that leadership are not always given the proper training when it comes to the request for proposal (RFP) process and managing contracts.
- At the Whatcom County jail, the jail contracts for all food services, commissary, library, educational services, telecommunications, therapeutic services, and all health care. Wendy added that all hygiene items are free to incarcerated individuals and writing materials are free to individuals who cannot use the tablets. The jail covers all special diets, including ethnic-specific diets, which reflects the community’s food preferences. The jail also provides free reading glasses to incarcerated individuals, which is supported by community donations.
- Wendy noted the jail recently changed its communication vendor, as the previous provider had terrible customer service and was not providing quality services to the incarcerated individuals or their families. She noted that the RFP process was laborious and complicated, and there was a general lack of interest from vendors.
- From her experiences in contracting services at the Whatcom County jail, Wendy relayed some of the following best practices she has learned – be specific in the requirements, reach out to peers for advice, research the process (there is a lot of information online), and utilize staff subject matter expertise.
- Wendy noted that a benefit in the recent contracting process with the new communication provider was having a staff member who had previously worked in the industry. The resulting contract included having someone on-site at the jail to fix problems, train staff on the system, and address customer service issues that and friends or family members may face.
- Wendy concluded that she thought the biggest issue the task force will face in this area will be creating parameters that will intersect with county politics. Wendy added that a possible consideration for this group would be to recommend that people in administrative positions have access to appropriate training.

***Follow-Up Questions and Discussion***

- Task force member Jordan Landry inquired about the steps the Whatcom County Jail has taken to make communications accessible to those with disabilities. Wendy noted that the jail made accessibility improvements after a lawsuit against the patrol part of the Sheriff’s Office. After the lawsuit, Wendy noted that the department began working more closely with advocates from the deaf and blind community, and realized that the technology they had in the jail was out of date. Wendy stated that the jail has moved towards allowing people to use

	<p>their own phones, have American Sign Language translation available, and tablets are available for people who are hearing impaired. Wendy added this is a part of the screening when someone comes in and helps the jail identify the services an individual may need. She concluded that it has been harder to help those who are visually impaired, but they have worked towards a peer system, to help match individuals with someone who can help them and are working towards making the guidebook available via audio.</p> <ul style="list-style-type: none"> <li>• Task force co-chair Ethan Frenchman inquired about the new rates that are charged under the new communications contract at Whatcom County. Wendy noted the new contract is with IC Solutions and the rates for phone calls are 5 cents per minute, remote video visitation is \$7.50 for 30 minutes, and onsite video visitation is free. Wendy added that individuals will receive 2 free phone calls per week, calls in the booking areas are free, and video messaging is 35 cents per message.</li> <li>• Steven Larsen from King County Department of Adult and Juvenile Detention offered that the King County jails have stopped receiving a commission for commissary, and instead worked it into the pricing. He added this reduced the price for commissary items by a third. Steven noted that individuals receive six free video visits per week, two free phone calls, and free onsite visits. He added that people are not charged a fee for health care services, receive free glasses, and individuals who are indigent receive free hygiene kits.</li> <li>• Task force co-chair Ethan asked the group to consider whether having expensive commissary and communications can lead to criminogenic behavior. Ethan noted that task force has heard examples of individuals fighting over commissary and the isolation of individuals who do not have access to a call, and wondered if these factors could be putting staff and other incarcerated individuals in harms way.</li> <li>• Melody Simle responded to Ethan’s comment that she has heard of vulnerable people having their commissary taken away, but is unsure of how jails can keep situations like that from happening.</li> </ul>
<p>3.</p>	<p><b>Reforming Telecommunications, Commissary &amp; Rates</b>  <i>Presentation by task force staffer – Jamie Tugenberg, Office of the Attorney General</i></p> <ul style="list-style-type: none"> <li>• Task force staffer, Jamie Tugenberg, gave a presentation to the group on changes in federal rules and regulations surrounding telecommunications, recent local and state-level legislation aimed at reforming telecommunications, and how standards regulate these areas of jail operations. See slides on page 6.</li> <li>• Jamie ended her presentation with some questions for the group to begin thinking about how their recommendations surrounding the establishment of standards, oversight, and other policy options might address commissary and communications in jails.</li> </ul> <p><b><i>Questions and Discussion</i></b></p> <ul style="list-style-type: none"> <li>• Task force member Marc Stern stated he views legislation as less optimal than standards, assuming that the standards are adjustable by some other process than</li> </ul>

	<p>the legislature to allow for changes as new technology emerges. He noted that oversight and standards can be more flexible.</p> <ul style="list-style-type: none"> <li>• Melody Simle noted that contracts have to be posted on the Washington Department of Corrections for prisons. She added that jails could post online their contracts for communications as well as commissary menus for added transparency.</li> <li>• Task force co-chair Devon Schrum noted that jails struggle with the services that are available to them dependent on where they are in the state.</li> <li>• Marc again noted that his views are that standards are necessary, and that the background research that has been presented to the group gives the task force ideas of where to look at. He added that the task force will have to provide evidence to support the recommendations surrounding oversight or any standards that would be promulgated.</li> <li>• Task force member Wendy Jones offered that explaining to jurisdictions that there are services and operations that are becoming expected in other facilities can help advocate for resources. She added that jurisdictions are risk averse and respond when there is a increased liability associated with not providing a service.</li> <li>• Task force co-chair Ethan Frenchman offered that the group’s recommendations should not lose sight of basic human dignity. He added that there are individuals in jails who are unable to communicate with others, staff, and their lawyers and are entirely dependent on other incarcerated individuals and staff to meet their basic needs.</li> <li>• Melody Simle concluded by adding that decisions are made without the input of those who are impacted, and that the task force should consider that as they construct the recommendations.</li> </ul>
<b>4.</b>	<p><b>Public Comment</b></p> <ul style="list-style-type: none"> <li>• No members of the public in attendance provided a comment.</li> </ul>
<b>5.</b>	<p><b>Next Steps and Closing</b></p> <ul style="list-style-type: none"> <li>• Next meeting will be either Wednesday, May 3 or Thursday, May 18.</li> <li>• Reach out to task force staff if you are interested in joining the task force’s workgroup that will be meeting tentatively two to three times between June and August.</li> </ul>

**Attendance**

<b>Name</b>	<b>Task Force Affiliation</b>	<b>Organization</b>	<b>Present</b>
Vacant	House of Representatives	Washington State Legislature	NA
Vacant	House of Representatives	Washington State Legislature	NA
Sen. Nikki Torres	Senate	Washington State Legislature	Represented by Justus Phelps

Sen. Rebecca Saldaña	Senate	Washington State Legislature	No
Chanel Rhymes	Entities involved with or interested in the operation of local jails	Northwest Community Bail Fund	Yes
Christopher Swaby	Defense attorneys	The Swaby Law Firm	No
Devon Schrum	Jail administrators	Washington Association of Sheriffs and Police Chiefs	Yes
Eliana Macias	Cities	Yakima City Councilmember	No
Ethan Frenchman	State designated protection and advocacy agency	Disability Rights Washington	Yes
Hailey Ockinga	Persons with lived experience	Beyond These Walls	Yes
Judge Jeffrey Smith	District and municipal courts	Spokane County District Court	No
Jordan Landry	Persons with lived experience	Community Representative	Yes
Laurel Jones	Statewide civil legal aid organization	Columbia Legal Services	Yes
Lisa Janicki	Counties	Skagit County Commissioner	Yes
Dr. Marc Stern	Medical and mental health providers	University of Washington, School of Public Health	Yes
Norma Tillotson	Prosecutors	Washington Association of Prosecuting Attorneys	No
Judge Sharonda Amamilo	Superior courts	Thurston County Superior Court	Yes
Chief Wendy Jones	Law enforcement	Whatcom County Sheriff's Office	Yes

# Reforming Communications and Commissary



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April 19, 2023

JOINT LEGISLATIVE TASK FORCE ON JAIL STANDARDS

# Agenda

Background

Approaches to reform

- Changes in Federal Rules and Regulations
- Local and State-Level Legislation
- Standards

Task Force's Objectives

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Receiving one additional visit reduces a persons risk of re-conviction by nearly 4%.

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Incarcerated women who had any phone contact with a family member were less likely to be reincarcerated within five years of their release.

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Frequent phone calls between incarcerated parents improve parent-child relationships.

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Less than 25% of people with an incarcerated family member will be able to visit them.

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1 in 3 families will go into debt to support and stay in touch with an incarcerated family member.

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87% of family members who are paying for phone calls and visits are women.

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# Washington Jails

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In 2016, none of the county jails in Washington were found to be in compliance with the Department of Justice's communication accessibility requirements.

In 2018, at least 13 jails had replaced all in-person visitation with video visitation.

In 2019, Washington ranked 26th in the nation for affordability of a 15-minute phone call.

Commissary prices include cost of the item sold, the profit margin for the private provider, and kickbacks to the jurisdiction.



# ○ Federal Communication's Commissions Rule and Regulation Changes

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September 2022- Adopted rules that all calling service providers for correctional facilities are to provide video communication services for deaf and hard of hearing individuals. This order goes into effect by January 2024.

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January 2023- The Martha Write-Reed Just and Reasonable Communication Act passed, requiring the FCC to set and ensure just and reasonable charges for any audio or video communication services in jails and prisons.

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- Since 2016, several jurisdictions have capped rates on calls and
- commissions.
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2016	New Jersey	\$0.11 per minute
2016	Illinois	\$0.07 per minute
2020	Dallas County, Texas	\$0.01 per minute
2021	California Public Utilities Commission (jails and prisons)	\$0.07 per minute

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- Since 2018, at least five local jurisdictions have passed legislation making phone calls free.

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July 2018	New York City	\$10 million
August 2020	San Francisco County	\$1.1 million
March 2021	San Diego County	\$4 million
May 2021	Los Angeles County	NA
April 2022	Miami-Dade County	\$6.8 million

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- Two states have also enacted legislation making phone calls free in prisons.

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June 2021 - Connecticut becomes the first state to make all jail and prison calls free. This covers all communication, provides 90 minutes of call time per day, and protects in-person visits. Families are saving an estimated \$14 million per year.

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September 2022 - California passed legislation making phone calls free in prisons. This went into effect January 2023, and is expected to save families nearly \$33 million per year.

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# Standards for Telecommunications

- ◆ Focus on telephone access and usage.

Lack requirements to accomodate individuals with

- ◆ hearing or speech impairments and those with physical or cognitive disabilities.

- ◆ Lack guidance on other forms of communication - video visitation, e-mails, etc.



# Standards for Commissary

- ◆ Vague and lack guidance for policies and practices.
- ◆ Some require that the prices charged shall not exceed the price in the local community stores.
- ◆ Some require commissary plans to be approved by the oversight body.



- If the Task Force recommends the establishment of standards, how should they address communications (e.g., phone calls, video visits, e-mail, text messages, etc.) and commissary in jails?
  - Who should be a part of writing standards related to communications and commissary?
- If the Task Force recommends the establishment of statewide oversight, what functions would the oversight entity play in communications and commissary?
  - How might oversight improve transparency?
  - How might oversight increase accountability?
- Are there other policy options to address concerns with communications and commissary in jails?

Questions?

# Sources

## Slide 3:

- Bales, W. D. & D. P. Mears (2008). Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism? ( *Journal of Research in Crime and Delinquency* 45(3): 287-321
- Barrick, K. Lattimore, P. K., & Visher, C. A. (2014). Reentering Women: The Impact of Social Ties on Long-Term Recidivism. *The Prison Journal* 94(3): 279-304.
- Haverkate, D. L. & Wright, K. A. (2020). The differential effects of prison contact on parent-child relationship quality and child behavioral changes. *Corrections: Policy, Practice, & Research* 5: 222-244.

## Slide 4:

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

## Slide 5:

- Disability Rights Washington (2017). *Access Denied: Conditions for People with Physical and Sensory Disabilities in Washington's County Jails*.
- Horn, S & Wagner, I. Washington State: Jail Phone Rates Increase as Video Replaces In-Person Visits. *Prison Legal News*, 2018.
- Jones, A & Wagner, P. *State of Phone Justice*. Prison Policy Initiative, 2019.

# Sources

## Slide 6

- FC News from the Federal Communications Commission (2022). FCC ACTS TO ENSURE ACCESS TO COMMUNICATIONS SERVICES FOR INCARCERATED PEOPLE WITH DISABILITIES.
- Kim, J. Biden signs a bill to fight expensive prison phone call costs. NPR, 2023.

## Slide 7

- Worth Rises. Our Campaigns, <https://connectfamiliesnow.com/ourcampaigns>.

## Slide 8

- Bertram, W. Even After a Landmark Bill, the Fight for Prison Phone Justice Isn't Over. *The Nation*, 2023.
- Ross, K. Illinois Dramatically Cut the Cost of Prison Phone Calls. Oklahoma Could Do The Same. *Oklahoma Watch*, 2021.
- Myong, E. Forgoing Profits, Dallas County Slashes The Cost of Phone Calls From Jail. *KERA News*, 2020.
- California Public Utilities Commission. CPUC Caps Phone Rates for Those Incarcerated, 2021.

## Slide 9

- Worth Rises. Our Campaigns, <https://connectfamiliesnow.com/ourcampaigns>.

## Slide 10 & 11

- Task force staff review of Illinois, Minnesota, Texas, California, Indiana, Ohio, Iowa, Massachusetts, North Dakota, New York, North Carolina, Old Washington State, the Washington State Association of Sheriffs and Police Chiefs, the American Bar Association, and the American Correctional Association's standards