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June 2, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
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From: William T Fujioka
Chief Executive Officer

EXTENSION OF GLOBAL TEL*LINK CORPORATION CONTRACT FOR INMATE TELEPHONE SERVICES FOR THE SHERIFF AND PROBATION DEPARTMENTS' DETENTION FACILITIES

On April 8, 2008, your Board instructed the Chief Executive Officer (CEO) to work with the Sheriff and report back to the Board within 30 days any analysis regarding whether and under what conditions to grant Global Tel*Link (GTL) a contract extension through December 2013 in exchange for, at minimum, \$3.5 million. A one-week extension of the 30-day report back deadline was requested on May 9, 2008.

Further, on April 15, 2008, your Board instructed the Chief Probation Officer, in conjunction with the CEO, to formulate a policy which clearly defines the rights of juveniles detained in Los Angeles County facilities to secure cost-free access to and usage of telephones in order to promote communication with their families and report back to the Board within 30 days with the written policy and plans for implementation. This was later amended to coincide with the GTL report.

The information provided herein is in response to the aforementioned instructions.

ACCESS TO TELEPHONES BY DETAINED JUVENILES

In response to item 70-A from the Board's April 15, 2008 agenda, and the related April 22, 2008 motion by Supervisor Yaroslavsky, the Probation Department in conjunction with the CEO, developed a policy to define the rights of juveniles to secure cost-free access to telephones and assessed the impact of this policy.

On May 1, 2008, the Probation Department issued and implemented the new policy defining detained juveniles' access to no-charge telephone calls. This policy, which was provided to your Board on May 8, 2008, will ensure juveniles have access to cost-free telephone calls on a consistent/regular basis (Attachment I). It is the intent of this policy to discourage the use of pay telephones by juveniles in the Probation Department's custody. The policy highlights the importance that regular telephone calls have on the ability of detained juveniles to reconnect with their families, and the benefit to those same juveniles to enhance opportunities for successful transition back to their communities.

The Probation Department currently realizes annual revenue of approximately \$120,000 from collect call telephones. Collect call revenue offsets existing operational costs. The loss of this revenue, though not large relative to the Department's overall appropriation, places an additional financial burden on resources already dedicated to ongoing operational needs.

We will keep the Board informed as we gain more experience with Probation Department's new telephone access policy.

INMATE TELEPHONE SERVICES CONTRACT

In response to the Board motion of April 8, 2008, CEO and Sheriff representatives met to evaluate the rates charged to recipients of long distance calls placed by inmates held in County jails and the terms and conditions of the contract. While evaluating inmate telephone rates, we also reviewed the following:

- Complaints made regarding the current County inmate telephone system;
- Rates and surcharges for inmate calls compared to those charged by other local correctional institutions, to the general public, and by other carriers;
- Commission paid to the Sheriff Department and its use to benefit inmates; and
- Alternatives to the current County inmate telephone contract.

Finally, as requested, the CEO and the Sheriff Department developed options for Board consideration under which to grant GTL an extension through December 2013, in exchange for \$3.5 million. Of the proposed alternatives, we believe Option 1 is the most desirable course of action. However, the advantages and disadvantages of each option are provided as well.

COMPLAINTS REGARDING THE COUNTY'S CURRENT INMATE TELEPHONE SYSTEM

The primary concern expressed by many regarding the County's current inmate telephone system is that the calls are expensive. Other concerns voiced or questions raised include: The amount of the commission paid to the County under the contract. The rates charged for inmate collect calls. How do the rates compare to other correctional facilities? How were the rates established? Have the rates been appropriately communicated to inmates and those who receive their calls? Does the County/Sheriff Department receive a commission on inmate calls and if so, at what rate? How has the Department used this revenue? What are some options available to reduce the rates charged for inmate telephone calls? These concerns are also addressed in this report.

CHARGES FOR INMATE CALLS AND COMPARISON OF RATES

Calls from the Los Angeles County jail are made on a collect or pre-paid basis. A collect call is a telephone service where the individual placing the call is not the person paying for it; instead, costs are paid for by the call recipient. The call is not connected until the receiving party takes some affirmative action. The affirmative action indicates the called party's agreement to accept and pay for the collect call. The County jail automated system also includes a recorded message which informs the called party that the collect call is from a correctional facility and the name of the caller. This message is automatically played for the call recipient prior to the recipient taking action to accept the call. In addition, the current telephone system provides the called party with the ability to request the maximum cost of the call, refuse to accept the call, restrict additional calls from that inmate to the called party's number; and provides information regarding pre-paid telephone cards. Inmate telephone rates are also consistently posted at the various correctional facilities.

Collect as well as pre-paid calls, in addition to the per-minute rate, have a surcharge. A collect call can be a local, intraLATA, interLATA, or interstate call. IntraLATA refers to calls between two (2) points that are within the same Local Access Transport Area (LATA). LATA is an area or region. LATAs are usually within a single state. InterLATA refers to calls between points in different LATAs. Interstate refers to calls made from one state to another. The County's contract with GTL (the contract which was

reassigned from AT&T on April 8, 2008) has the following inmate telephone rates which have remained the same since the contract was first approved in December 2005.

Table 1

	SBC/AT&T/GTL			
	LOCAL (0 – 20 miles) (52.3% of total calls)	INTRA-LATA (45.3% of total calls)	INTER-LATA (1.1% of total calls)	INTER-STATE (1.3% of total calls)
	Rate	Rate	Rate	Rate
1st Minute including all fees and surcharges	3.5400	3.5400	3.6900	4.8500
Each Additional Minute	0.1000	0.1000	0.6900	0.8900
Total Cost for an average 15-minute call	4.9400	4.9400	13.3500	17.3100

Under the pre-paid calling card system, inmates are allowed to place direct dialed calls at a reduced rate resulting in a ten percent (10 percent) savings. Under this program, inmates may use funds that they or their family members have deposited into their trust accounts for the pre-payment of telephone calls. In addition, inmates' families are offered an option of creating a pre-paid debit account allowing them to receive calls. There is a prompt during the recorded message to the collect call recipient regarding this feature and the ability to save ten percent (10 percent) on the rate charged, if the option is selected.

We also analyzed the rates offered by other correctional facilities. Telephone rates are impacted by a number of variables, such as total call volume, the average inmate population, call time limits, proportion in the various types of calls, and revenue structure. Table 2 demonstrates that the County's inmate telephone rates for collect calls are comparable to those charged by other correctional institutions while being slightly higher than those charged by other carriers. We also found that inmate telephone rates are lower when compared to those paid by the general public when making a collect call from a public pay telephone (Tables 3 and 4). GTL charges recipients, on average, a \$3.25 station to station surcharge, with a per minute usage rate of \$0.11 depending on the associated territory of the callers telephone company, distance, and time of the day. The County's inmate collect calls are handled on a fully automated basis and also includes security features such as a per call time limit (which reduces the charging of multiple connection fees common to some other correctional facilities), an approved "only" call list, and the monitoring and recording of calls. These

security features are standard for most prison systems, but not all correctional facilities have all of the same security features.

Table 2

County/Agency	Provider	Average Rate (Local)	Average Rate (Local)	Commission Rate
		Initial and Per- Minute (Collect)	Initial and Per- Minute (Pre-Paid)	
Los Angeles	GTL	\$3.54 and 0.10	\$3.19 and 0.09	52%
Orange	GTL	\$4.00	\$3.50 and 0.75	53%
Los Angeles PD	GTL	\$3.20 and 0.08	\$3.20 and 0.08	40%
Riverside	GTL	\$2.45 and 0.08		53%
San Bernardino	GTL	\$3.20 and 0.20		50%
San Luis Obispo	GTL	\$2.65 and 0.08	Not offered	51%
San Benito	GTL	\$3.45	Not offered	
Solano	GTL	\$3.15		56%
Tulare	GTL	\$3.60		49.5%
Ventura	PCS	\$2.89 and 0.10	\$2.19 and 0.08	
San Francisco	PCS	\$2.95 and 0.075	\$0.81 (Debit)	
San Diego	PCS	\$2.98 and 0.11	\$2.85 and 0.10	
Montana State	PCS	\$2.75 and 0.20		40%
Kansas DOC	Embarq	\$2.61	\$2.19	41% after MAG
Sacramento	GTL	\$3.35 and 0.08	\$3.19 and 0.09	50%

Table 3

Inmate Rates for (Local) Collect Calls			
Company	Connect	Per Minute	Total Cost for a 17 minute call
LA County Jail	\$3.54	\$0.10	\$5.20

Per minute rate is rounded to \$0.10 actual rate is \$0.10375

Table 4

Outside of Custody Collect Call – Pay Phone Rates			
Company	Connect	Per Minute	Total Cost for a 17 minute call
1-800-Collect	\$4.99	\$1.59	\$32.02
1-800-Collect from Pay Phone	\$4.99	\$2.14	\$41.37
1-877-Best Call (Pay Phone Location College and Alameda)	\$19.16	Connect fee includes up to 6 minutes	\$57.48
Legacy Communications Inc. (Pay Phone Location Bauchet Street and Vignes)	\$11.25	Connect fee includes up to 5 minutes. \$0.89 cents each additional minute	\$21.93
SBC Value (Pay Phone location outside TTCF Visiting Center)	\$8.96	Connect fee includes up to 3 minutes. \$0.99 cents each additional minute	\$22.82

Presently, there are 4,099 telephones at the Department's various jail facilities. The telephones, in conjunction with special monitoring and recording equipment, are used to address security concerns and protect the public. There are other external factors that may limit the use of phones by inmates, such as pill call, riots, lock-down, an inmate's security classification, vandalism, etc. The Department does not limit the number of calls an inmate may make per day, but limits any one call to two hours in length.

Overall, the charges for telephone calls made by inmates in the County jail facilities are lower than phone rates paid by the general public when making collect calls from public pay telephones, but are comparable to other correctional facilities we reviewed. The rates charged for inmate telephone calls are specified in the Sheriff Department's contract with GTL and are communicated to the inmate and recipient of the collect call.

SHERIFF DEPARTMENT'S COMMISSION

In exchange for granting GTL the exclusive right to provide telephone service to inmates, the Sheriff Department receives a commission of 52 percent on the total charges for inmate calls. We found that the Sheriff Department's rate is comparable to the commission paid to other correctional facilities (refer to Table 2) under contract with

GTL. Many of the other correctional facilities we reviewed also receive a commission from its contracted telephone carrier for inmate calls. The commission rate of other carriers at various correctional facilities range from 40 percent to 56 percent of gross billable inmate charges. We also observed a variance in the surcharge and per minute rate of these other carriers. Surcharges range from a low of \$2.61 to \$2.98 and per minute rates ranged from \$.075 to \$.11. At 52 percent, the rate for Los Angeles County is at the high end of the range.

The Sheriff Department indicates (as outlined in Table 5) that for the current contract (AT&T/GTL) which began in December 2005, it has generated on average approximately \$15.1 million per year in commission revenues. Inmate population, the agreed upon commission rate, and other contractual terms impact the amount of revenue generated. The revenue is used to fund inmate school programs, departmental personnel (who have specific responsibilities of carrying out projects and services pertinent to the welfare and benefit of inmates), and jail maintenance.

Table 5

Fiscal Year	Revenues Earned (in Millions)
2005-06	\$17.0
2006-07	\$12.9
2007-08	\$15.4 (estimate)

The telephone call rates and the commission rate were considered in the competitive solicitation process. Proposers were generally awarded more points if they proposed lower call rates and a higher commission. The first year of the contract had a Committed Annual Guarantee (CAG) of \$17 million. The revenue was reduced in the following two (2) years due to lower call volume. All of the revenue received from the commission is used, along with other Inmate Welfare Fund (IWF) revenue, to fund various inmate programs and jail maintenance projects.

INMATE WELFARE FUND – PROGRAMS AND BENEFITS

Pursuant to Title 15 mandates, the Sheriff Department is required to provide religious counseling and educationally-based services to the inmate population within the Los Angeles County jail system. Revenue generating services such as that of the inmate phones are used to offset many inmate program and service related costs. Whether administrative or line personnel, vocational volunteer materials for course instruction, contracted educational specialty programming, or the like, programs, services, staffing, and jail maintenance absent this funding source would be adversely impacted. Below is a list of the programs, funded by the IWF. Revenues generated by inmate payphones, may partially or fully offset the costs associated with these programs.

Contracted programming such as: Harriett Buhai (Legal Education for Women), Pacific Institute (geared toward gang members and gang affiliates-rehabilitative training), Amer-I-Can (disturbance mediation/anti-violence and life skills training), Men Evolving to Recovery Through in Custody Treatment (MERIT) Program inclusive of the Bridges to Recovery Program, the Veterans Program and IMPACT); Social Mentoring Academic and Rehabilitative Training (SMART) Program, and the Hacienda La Puente Unified School District Contract.

The Hacienda La Puente Unified School District contract cost is offset by Average Daily Attendance reimbursement from the State; however, an approximately \$3 million gap between this reimbursement and that expended is paid for via the IWF annually. This contract's programming is comprehensive and incorporates academic, vocational, and specialty courses. Curriculum includes: REACH (drug education for female inmates), Teaching and Loving Kids (TALK), Adult Basic Education, Adult Secondary Education, Arts, English as a Second Language, Job Preparation, Office Occupations (teaching basic clerical skills), Personal Relations, Parenting, Drug Education, Computer Operations, and Dance. Additionally, vocational programs such as Commercial floor layer/Commercial Construction, Commercial Welding, Commercial Laundry, Commercial Sewing, Auto Body Repair/Dismantler, Animal Grooming, Commercial Painting, Graphic Artistry, Telecommunications, Landscape/Gardening-Commercial Nursery, Culinary Arts, Custodial Arts, Bicycle Repair, and Masonry are provided.

In addition, the Religious and Volunteer Services Office staff of the Sheriff Department's Inmate Services Unit are funded through IWF monies and directly oversee over two hundred Chaplains, representing eight major faith groups and numerous sects within those groups, as well as approximately 1,200 volunteer service providers. Together, these volunteers provide worship services, scripture study programs, spiritual counseling, 12 step addiction programs (such as Alcohol Anonymous, Cocaine Anonymous, Marijuana Anonymous, and Narcotics Anonymous).

Moreover, through the IWF, personnel are staffed within Units such as the Inmate Services Unit/Religious and Volunteer Services; the Community Transition Unit, and the Jail Enterprises Unit.

In addition to the revenue used for inmate programs, a percentage of the revenue is also used for the maintenance of the County jail facilities. Some of the projects funded by the IWF include: various electrical improvements, elevator replacement and repair, renovation of cell gates at Men's Central Jail (MCJ), electronic monitoring equipment, inmate shower replacement at Pitchess Detention Center (PDC)/North County Correctional Facility (NCCF), repair of escalators at MCJ, replacement of absorption chillers at PDC/NCCF, chiller maintenance contract at Twin Towers Correctional Facility (TTCF), conversion of rooms to mini clinics/pill call rooms at MCJ; repairs to bus gates

at TTCF, plumbing upgrades at MCJ, installation of new fire sprinkler system at NCCF, replacement of freight elevators at MCJ hospital, replacement of HVAC controls at PDC/NCCF, various roof repairs and replacement, installation of new cell door locking devices, call light systems for inmate/patient medical care enhancements, and the Jail Health Information System (JHIS).

In fiscal year 2006-07, the Sheriff Department used approximately \$15.1 million from the IWF for facilities infrastructure.

ALTERNATIVES TO THE COUNTY'S CURRENT INMATE TELEPHONE CONTRACT

This section discusses alternatives to the County's current inmate telephone contract with GTL. The primary focus of the alternatives provided are to lower the rates charged for inmate calling, address the public concerns/complaints voiced regarding the County's inmate telephone system, and identify conditions under which the County would be willing to extend the contract with GTL in exchange for \$3.5 million.

Option 1 – Contract Extension

The telephone contract with GTL will expire on December 2010 if the County elects not to exercise its optional contract extensions (three (3) one-year options). The Sheriff Department would proceed to solicit bids for a new telephone contract via a Request for Proposal (RFP) and negotiate new contract conditions and terms, which may include lower or discounted telephone rates. Therefore, an option for consideration is to allow the contract with GTL to expire and seek a new contract. If this option is pursued, GTL has indicated that it will rescind its offer. Loss of the \$3.5 million will mean a loss of opportunity to enhance inmate programs. It should also be noted that the Sheriff Department would need at least 12 months to solicit a new telephone contract and another 12 months to transition into a new contract before the current contract expires. Loss of the option years does not provide the Sheriff Department the necessary transition time required to allow a new vendor to assume a contract of this magnitude.

Option 2 – Commission Reduction

As previously stated, the commission to the County is 52 percent of the call revenue and generates on average \$15.1 million. The revenue is deposited into the Sheriff Department's IWF.

We explored the option of reducing the commission rate to the County while leaving the contractor's rate intact. Since the contractor's commission would have to remain intact, the rate may be reduced by a little over half (52 percent) as 48 percent of the surcharge would still be assessed.

When determining the amount to reduce or eliminate, the revenue used to operate and maintain facilities or provide for inmate services/programs should be taken into consideration. Ultimately, it may be more appropriate to establish a contract maximum amount (in revenue terms) and require that any resulting reduction in commission be passed through to reduce the surcharge and/or rates. Under this option, the County would not extend the contract and forego the \$3.5 million. However, it would be difficult to determine the impact of the loss of the \$3.5 million on the rate over the balance of the contract term, due to the fluctuation in call volume and inmate population.

If we eliminate the commission in its entirety, approximately \$15.1 million in general fund dollars would be required to offset the loss of revenue to the IWF on an annual basis in order to maintain programs/services funded by that revenue.

Option 3 – Establishment of Fixed Rate

In the current contract between the County and GTL, there is a provision that allows GTL to raise the inmate telephone rates commensurate with changes in the Consumer Price Index, a maximum of two times, during the contract term. The Board may counter-offer, in exchange for \$3.5 million and granting the contract extension, that inmate telephone rates remain fixed during the life of the contract. While the inmates will not realize a reduction in rates at this present time, we can ensure that the rates do not increase over the next five years.

During this five year period, a new RFP will be developed and released; the Department will have sufficient time to review other correctional facilities' contracts, changes made and the impact of those changes. The County will be in a better position to analyze our options for reducing rates charged for inmate calls while maintaining inmate services/programs.

Option 4 – Original Offer by GTL

Consideration can also be given to accept GTL's original proposal to extend the contract through December 2013 which will result in a \$3.5 million one-time increase in revenue to the IWF that will be used to enhance the inmate program and jail maintenance as required by Title 15.

Under any of these options, the contract will need to be further amended to include the month-to-month extension period to transition services in the event another vendor is successful in the next RFP.

RECOMMENDATION

After a review of each of the alternatives discussed above, it is our recommendation that Option 1 be selected and the Sheriff Department be directed to release a RFP as soon as practicable. While the County will forego \$3.5 million in one-time revenue, it will provide an opportunity for the County to solicit proposals which may provide lower rates while considering the impact to inmate programs and jail facilities.

If you have any questions regarding this matter, please contact Deputy Chief Executive Officer Doyle Campbell, Public Safety, at (213) 893-2374.

WTF:SRH:RDC
JW:SW:llm/yjf

c: Executive Officer, Board of Supervisors
County Counsel
Sheriff Department
Probation Department

GTL.bm

**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT****DIRECTIVE**

No.: 1166
Issued: 5/01/08
Post Until: 6/01/08

SUBJECT: TELEPHONE CALLS IN JUVENILE HALL AND CAMPS

It is policy of the Probation Department to facilitate telephone calls to all detained minors in juvenile halls and camps to enhance the reunification process.

Reconnecting minors with their families in ways which enhance and increase protective factors is a critical cross-bureau task and an overarching goal for the Department. For the minors housed in detention and camp facilities, this task is especially critical. The process of reconnecting minors in our institutions with their families is accomplished through a variety of case management supports and services that include monitored telephone calls. These monitored calls are an essential case management activity that helps each minor and their families achieve an optimal level of reconnection that affirms a child's membership in his or her family. Structured, monitored and goal-directed telephonic contact is one of the ways our case management activities can facilitate positive communication between minors in our institutions and their families with the goal of reconnecting them and ultimately reunifying them with their families.

Safety and Security requires that Detention Services and Residential Treatment Services staff adhere to all rules and regulations outlined in this Directive.

Calls to other juvenile facilities, victims, witnesses, or anyone specifically restricted by proper authority are prohibited. The Sr. DSO/DPO Caseworker is responsible for restricting such calls and authorizes calls to be made according to the following procedures:

- Minors shall have access to at least one (1) free telephone call per week except for a limited duration while safety and security are a concern.
- Minors may be allowed to complete calls on both the AM and PM shifts. Calls shall be allowed during periods that do not interfere with established programs or with essential health, safety and security procedures.
- All calls, except those to or from the attorney of record, shall be monitored by staff who shall be in close proximity of the minor making a telephone call.

Minors shall also continue to have access, but shall be discouraged to the use of collect call telephones, following the above procedures.

All telephone calls shall be documented in the Juvenile Hall Unit Telephone Log and the Behavior File Record of Supervision (ROS) or the Camp Telephone Log and JCMS. Documentation shall include the following information:

- Minor's name;
- Name and number of person to be called;

TELEPHONE CALLS IN JUVENILE HALL AND CAMPS
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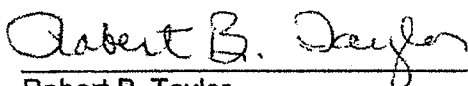
- Date and time call was attempted and completed; and
- Name of the staff issuing and monitoring the phone call.

COURT ORDERED TELEPHONE CALLS:

Staff shall adhere to the following procedure when processing court ordered telephone calls:

- Court ordered telephone calls shall be completed on the date ordered by the court;
- The Officer of the Day (OD)/Acting Director (AD) or designee is responsible for notifying building staff/DPO Caseworker that the court has authorized a telephone call for the minor;
- A log shall be maintained in Movement Control (MC)/Camp Office noting the existence of the order, the name of the minor, the name and number of the person to be called, who made the notification to the building, and who in the building received notification;
- Building staff shall record completion of the call in the Behavior File ROS and in the Building Telephone Log, or DPO Caseworker shall record completion of a call in the Camp Telephone Log and JCMS. In addition to the information normally recorded in the log, staff shall also indicate name of person receiving notification of the court ordered call, and the date and time of the completion or attempt; and
- If for some reason the call cannot be completed within 48 hours of the judicial order, the building Supervising Detention Service Officer (SDPO) or Camp AD or designee shall notify the court and request further direction.

Questions or concerns regarding this Directive should be addressed to the Detention Services Bureau Consultant at (562) 940-2523 of the Residential Treatment Services Bureau Consultant at (562) 940-3554.



Robert B. Taylor
Chief Probation Officer

MANUAL HOLDERS: CROSS-REFERNCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE