

MOTION BY SUPERVISORS HILDA L. SOLIS AND

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Los Angeles County to Provide Free Phone Calls and Robust Programming in the County Jails

California Governor Gavin Newsom signed Senate Bill 1008¹, the “Keep Families Connected Act”, authored by Senator Josh Becker, into law, which would provide free phone calls in all State prisons. This law went into effect January 1, 2023. Shortly thereafter, on January 6, 2023, President Joseph R. Biden signed into law, the “Martha Wright Reed Just and Reasonable Communications Act of 2022” to ease the cost for prisoners to contact their loved ones, specifically by setting limits on fees on “audio and video calls inside corrections facilities.”²

In 2021, the Los Angeles County Board of Supervisors (Board) unanimously supported two motions³ to examine the feasibility of providing free phone calls in the

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1008

² Id.

³ <https://file.lacounty.gov/SDSInter/bos/supdocs/158401.pdf>;
<https://file.lacounty.gov/SDSInter/bos/supdocs/162417.pdf>

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County jails to relieve and remove this financial burden for families, including profit mark ups on commissary items. The motions also called for comprehensive audits⁴ by the Auditor-Controller (A-C) of the Inmate Welfare Fund (IWF) and whether these funds were utilized in the service of those who are incarcerated given anecdotes from people who were incarcerated. Additionally, after findings presented by the Office of Inspector General (OIG) in 2019⁵ about the profit mark-ups on commissary items that are provided in the jails that incarcerated individuals and their families must purchase to supplement meals; the Board amended the current contract so that the pricing of items are reviewed annually to see if an increase is warranted and the revised contract will not allow for any mark ups.

The simple fact is that the system of incarceration disproportionately impacts Black, Indigenous, Latino, other people of color, and gender expansive adults. These are individuals who largely come from communities that have historically and systemically been heavily enforced and over-surveilled by law enforcement leading to Black and Brown individuals representing over 80% of the incarceration population in the County jails.

The County continues to invest in diversion, post-plea diversion, reentry, and other “care first” initiatives, along with getting into compliance with settlement agreements. The County needs to concurrently continue improving conditions in which people are incarcerated while they are pre-trial or serving their sentence and support their successful reentry back to their families and that must include communication with

⁴ <https://file.lacounty.gov/SDSInter/bos/supdocs/158469.pdf>

⁵ <https://file.lacounty.gov/SDSInter/bos/supdocs/InmateWelfareFundPresentation-OIG-9-17-2019.pdf>

their social support.

Studies⁶ show that communication with family and friends is incredibly beneficial to someone's mental well-being and is a factor in reducing the risk of recidivism, especially during a stressful and difficult time in their lives and has been shown to reduce misconduct in the jails by lowering anxiety and tension.

The cost of communication, however, continues to be a hurdle and obstacle for incarcerated individuals to stay connected to their families and social support system. Former FCC Commissioner, Mignon Clyburn, said that "Incarceration is a family matter, an economic matter, a societal matter. The greatest impact of an inmate's sentence is often on the loved ones who are left behind."⁷

Incarceration separates families. It separates mothers from their children and sole providers from their families, which enables and negatively contributes to the generational cycle of poverty, but also generational involvement in the justice and child welfare systems. To add this financial burden so that families are connected is a cost that they cannot afford, nor should they be asked to heave this fiscal weight onto their limited budget. In fact, about a third of families go into debt trying to maintain contact with incarcerated family members as they are having to choose between communication with family members or on food and childcare. This financial burden also disproportionately impacts women, more specifically, women of color.

Also, to note, the profit from the phone calls the County received, along with the price markups on commissary items, are placed in the IWF, which is to be used for

⁶ https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

⁷ <https://www.cbsnews.com/news/prison-calls-cost-martha-wright-reed-act-biden-tammy-duckworth/>

programming, services, and maintenance of the facilities, but a large portion of the funds went toward staff salaries and employee benefits.

Per a directive by the Board, the Sybil Brand Commission surveyed people who are incarcerated in the County jails and the results confirmed what we have largely known and that is that the vast majority of the population who are incarcerated want programming; however, a very small percentage either know about these programs, know how to access them, or even qualify to participate in the programs. The small percentage who has participated in these programs stated that they benefited greatly from them and those who have not participated in a program indicated their desire for educational and vocational programs. If the IWF funds are supposed to fund programming and yet, the survey results show low participation or even knowledge of these programs—it begs the question whether these funds are being used appropriately in the first place.

There is also cause for concern in whether the funds are utilized for maintenance outside of the scope of the IWF. For example, there are claims that the funds have been used to fix plumbing issues or leaking toilets, which are the fiscal responsibility of Los Angeles Sheriff's Department (LASD). These maintenance costs should come out of its budget not the budget of those the fund is supposed to benefit.

Providing free phone calls in County jails will relieve and remove the huge financial strain from families who have been unfairly impacted by the incarceration of their loved ones. We should not be penalizing families simply for association.

Time has also allowed for many reforms in communication in correctional

facilities, such as the reduction of costs per phone call⁸, due to the studies and anecdotes shared about the impact of high cost of phone calls. These reforms would not have happened without the sustained support from people who are incarcerated and their loved ones.

Regardless of the cost of the phone calls, tying the loss of revenue and profits generated by people who are incarcerated, and their families should not be the deciding factor on whether LA County provides free phone calls to people who are incarcerated. Whether that revenue exists or not, LASD is still responsible for providing programming to incarcerated people and maintaining the jails where they are incarcerated. Not doing so is antithetical to “care first” and is putting profits over people.

Other jurisdictions across the country⁹ have taken bolder and more courageous steps, which is evident by their no-cost phone call policy in its correctional facilities. It is only humane for LA County to follow suit and implement the plan and funding to provide free phone calls in County jails.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Request the Sheriff’s Department and direct other relevant Departments to provide free phone calls for people who are incarcerated, in all Los Angeles County jails no later than December 1, 2023.
2. Direct the Chief Executive Office to identify the necessary funding, by Fiscal Year 2023-2024 Supplemental Budget, to pay for the fees and costs to

⁸ Id.

⁹ <https://www.washingtonpost.com/opinions/2022/10/17/free-prison-phone-calls-california/>

provide free phone calls in County jails for people who are incarcerated, including the use of AB 109 funds.

3. Direct the Auditor-Controller to work with the LA Sheriff's Department to come into compliance with all recommendations as listed in the October 6, 2021 "Sheriff's Department – Inmate Welfare Fund Financial and Compliance Review" audit and provide the Board with a report back on status and progress, in writing, in 90 days.
4. Request the Sheriff's Department to work with the CEO, Sheriff Civilian Oversight Commission and the Sybil Brand Commission to develop an implementation plan with a funding proposal, in 90 days, in writing, to provide more and diverse programming, which will be equitably accessible for people who are incarcerated. The implementation plan should also:
 - a. Revisit policies and procedures to allow for more community-based providers, including those providers with lived experiences, to provide resources and services in the County jails, including reentry opportunities;
 - b. Develop comprehensive eligibility requirements for people who are incarcerated who are interested in participating in programming that are needs-based;
 - c. Enhance visibility and promotion of available programming and ensure application and registration is readily accessible, including language access, to people who are incarcerated;
 - d. Develop partnerships with educational institutions to provide

educational opportunities for people who are incarcerated ranging from English as a Second Language (ESL) classes, citizenship classes, high school classes, General Education Development (GED) certification courses, associate and other higher education courses; and

- e. Include a working partnership with the Justice, Care, and Opportunities Department and its service providers and contractors the ability to provide information and opportunities about reentry services, alternatives to incarceration programs, and other relevant resources for people who are incarcerated in the County jails.

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