



Montana Sheriffs & Peace Officers Association
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March 18, 2022

TO: Presiding Officer Esp and Members of the Law and Justice Interim Committee
FR: Nanette Gilbertson
MT Sheriffs and Peace Officers Association
RE: SB 303 – Study of Inmate Telecommunication Rates

Thank you for the opportunity to participate in the SB 303 study and provide the perspective of local detention facilities. The Sheriffs and Jail Captains/Commanders are committed to providing a safe environment for inmates and recognize the vital importance of keeping inmates connected to family members, friends and outside support systems. Jail telecommunications are necessary to accomplish all of these goals.

There are 38 local detention facilities in our state and unfortunately the vast majority do not have adequate funding to provide all of the expected services. Facilities aim to meet all statutory requirements as well as the voluntary jail standards and the unmandated but expected services, amenities, and programming in order to comply with their duty to provide for the custody, welfare, and safety of every inmate.

Montana Sheriffs ensure availability of telephone services for both pretrial and post-sentence inmates because they know regular communication with family members and outside support systems is integral to helping inmates maintain strong, positive connections during their term of incarceration and a critical component to maintaining morale in the facility.

Telephones and telecommunication devices in secure facilities require specialized equipment and software essential for maintaining inmate well-being and secure facility safety. Sheriffs rely on outside vendors to install both hardware and software and maintain the equipment within the facility and the data outside of the facility. A secure phone system must ensure the hardware cannot be used to physically harm an inmate and that through the software and phone recordings, facilities are able to identify threats, coercion, and extortion of victims, family members and the community. Sheriffs rely on telecommunications companies for the specialized equipment and proprietary software to provide the necessary security measures, which simultaneously allow inmates the opportunity to stay connected to family and friends outside the facility while maintaining security inside the facility. Unfortunately, there are inmates who use the jail phones to plan the smuggling of contraband into the facility, conspire to escape from the

secure facility, attempt to continue their criminal enterprise from inside, intimidate witnesses, and attempt to violate restraining orders and further traumatize their victims. Security software is an essential safety measure for confinement facilities. In addition, it is important to recognize that the software the facilities use is critical to providing a level of privacy for the inmates, specifically in attorney/client communication.

The equipment and software are not inexpensive and as previously stated, most facilities struggle to adequately fund the expected services in addition to all of the statutorily mandated services. Sheriffs in the state are required by law to operate detention facilities within their means and take consideration to not further burden local tax payers. To that end, the majority of telecommunications contracts in secure facilities include the hardware equipment and installation at no charge to the local facility. As a mechanism to recoup some of the equipment and installation expenses, companies charge fees. Additionally, there are other costs borne by the companies such as calling services for hearing impaired inmates and data storage for recorded calls.

The current system is not perfect; however, if individual Sheriffs' Offices attempted to provide the telecommunications hardware, software, and data storage without the assistance of an outside telecommunications provider, the price tag would be enormous and likely cost prohibitive for most agencies. Sheriffs would be left with few options, all of which would likely result in weakened facility security measures and diminished inmate communication with family, friends and support outside the facility. If jail telecommunications rates are severely restricted, local detention facilities will have no choice but to return to pay phones with the option to make a collect call. This would ultimately be more costly to inmates and would lack the necessary security measures to keep the inmates, detention officers and the public safe.

The committee has asked about fees and commissions. MSPOA requested data and information from local detention facilities. We asked eight questions about telecommunications in their facilities. Collecting data from 38 separate local government entities is not an easy task; however, the responses from 15 local detention facilities were provided to Mr. Travis Brown and have been distributed to the interim committee and posted on-line. The responses included a good mix of urban, rural, east and west counties. If you have specific questions about specific facilities, I am happy to connect you to the jail commanders for a more in-depth discussion. For those agencies that receive commissions and/or fees, you will see that in one way or another the fees are used to benefit the facility and the inmates, both directly and indirectly. When the commissions return to the general fund, the benefit to the inmates is a facility with adequate jail staffing levels and medical services. In the cases in which the commissions and fees are spent directly on inmates, you will see the facilities use the funds on a variety of ancillary services that improve the jail conditions for inmates, such as: cable TV, TVs, games, sports items, exercise equipment, educational opportunities, books, clothing, travel, and meal allowances for indigent

inmates being released, and special meals on holidays. Many of these services and benefits would not be available without the commissions and fees.

Sheriffs concede that there may be providers who are able to offer the same level of hardware, software, security measures, and supplemental benefits at a lower price point. However, it is critical to research the options and through due diligence select a rate cap which allows Sheriffs to maintain a safe and secure inmate telecommunications system without shifting the fees and costs to the local tax base.

The MSPOA strongly encourages the committee to consider what telecommunications services should be provided at a detention facility, what the cost of those services should be, and who should pay for those services. An arbitrary rate cap set without clearly defined telecommunications expectations and method of payment will negatively impact inmates and the security of the facility. Sheriffs and jail commanders are consistently working to improve and enhance the services and programming for inmates. With more and more inmates waiting for extended timeframes in county jails prior to trial and/or transfer to a DOC placement or facility, Sheriffs remain committed to providing quality physical, mental, and emotional health services for the inmates in their care; however, all of those services come at a cost.

We can look at what other states have done, but we need to craft a solution that meets the unique needs of our county jail system and the inmates in those facilities.

Once again, thank you for the opportunity to provide comment and participate in the study. Please contact me if you have questions or ideas you want to discuss:
nanette@smithandmcgowan.com or 406-459-9892.