

“Entertainment Platforms” in Oregon’s Prisons: The Other Half of SB498

Given that I was not apprised timely of the Working Group date on March 21, 2019, I was unable to gather data regarding more prisons than Snake River Correctional Institution (SRCI). I am asking that if this group goes further in working on this issue, I be given the opportunity to check to see if the paucity and costliness of “electronic platforms” is ubiquitous across the Oregon DOC. I felt it important to make response to this portion of the telecom services conversation, as I overheard agency stakeholders discussing the desire to offload fees onto users of this side of the contract.

First, either we halt the use of kickbacks for jail and prison services contracts altogether, or we condone kickbacks to get contracts with government agencies. It’s as simple as that. If we allow any ease ways through which rules can be bent, we will leave the way open for more dealings obfuscated expertly should we happen to ask. We have only to reference the situation in which the Department of Justice ordered the prisons to stop taking Federally-protected funds from disabled vets and natives, and DOC did not halt until they were severely reprimanded in a curt second order. Don’t open the way for malfeasance – legislate with clarity on our behalf.

Second, one stakeholder mentioned “we need those fees to provide a law library”. I understood that jails and prisons are required by law to provide law library access to all, regardless of funds. I don’t see why I should be levied an extra tax as a justice-impacted family member to provide that historically required service. Sneaking in fees for fundamental services is compromising of the public process by which we levy taxes and legislate expenditures. Let’s work together to restore that relationship wholly to corrections and funding.

Context:

Oregon’s inmates are required to use neutered/contained **tablets** with severely limited viewing content, much of which is free to us on the outside. These tablets are provided by the telecom contractor. Oregon’s inmates who wish to listen to music must purchase up-charged **MP3 and MP4** players that access 100% overcharged songs off a kiosk called “Access Corrections”.

There is a free version of this tablet system wherein an inmate can just check contacts (Telmate portal). SRCI inmates are not able to use the advertised “Inmate Request” program for special items. There is also a 3 cent per minute version of the portal an inmate can access for longer-duration content such as movies. However, the rest of the applications loaded for entertainment cannot be reached via this lower-cost selection.

This is an important technology for people to learn to use, particularly as they reenter society. It would make sense to avail these tablets to train inmates on contemporary electronics for the purposes of reentry skills. However, this is only being used as a tool to pacify people with simple games, and charging for typically-free content. It is not allowed

to be used for education, as evidenced by the content removed in 2018. At SRCI, this is the only form of access to this technology. It is my personal opinion that the self-help and self-directed learning modules were removed so as to turn this portal into an entertainment system upon which it would be easy to levy extra fees. A “sin tax”, if you will. If DOC had left the educational access on, there would be rightful pushback about obstacles to parity and equity of access to the free educational modules leading to certifications.

Telmate donates a small amount of money to the “Dads for Life” program, creating a situation wherein men with long sentences at this remote prison will likely lose an oasis service if Telmate is no longer the contractor. I would suggest investigating where the company is donating through: is it a separate tax entity or is this mingled in business services, therefore creating conflict of interest and a ready punishment for loss of contract? The program is offered in partnership with a local church with a legal guardian with them. The child visits the incarcerated parent while the guardian is sent to a movie, to get nails or hair done or likewise, pampering while the child and father are involved in activities.

Inmates report feeling further isolated now that educational, self-help and state offices resources have been denied them even on this neutered/contained platform. Some inmates have used the Oregon.gov pages to work on locating reentry resources for themselves. This is no longer possible. In addition, only two prisons in the state have actual community college classes eligible for PELL and other possible grants. All others are required to pay full price out of state tuition for pencil and paper correspondence courses selected for offer by the DOC. Remember the economics of prison as you consider the daunting task of finding \$500-\$700 for a course credit. Consider that there are requirements on inmates to support a certain level of course engagement to be allowed these correspondence courses. It is a falsehood to say that Oregon offers education to its inmates. There is no parity, there is no equity. The educational site that was taken down in 2018 allowed inmates to engage in self-directed studies. Bill Doman, former director of behavioral and rehabilitation services told me early on that only 10% of his inmates receive programming, and, at that, only the most problematic inmates. He indicates having no money to offer programming. Therefore, removing mental health and self-help access from the platform is further damning men in an isolated, under-funded, underserved prison to whatever compression dynamics exist in the environment and what few volunteers may enter the prison to offer something. I would ask whether these were removed so as to heighten administrative control over only offering activities like yoga as incentives – as a means of control. At the Joint Judiciary meeting in February, this is the language used by the DOC mentees as regards their special projects experimenting with potentially humanizing the prison setting. Visits to a room that helped a non-violent mentally ill inmate are viewed and used as “incentive” to “shape behavior”.

Entertainment Platform: the men are not allowed educational, self-help or resource search access. The following (incomplete list) were removed from the platform in 2018.

- Khan Academy – video learning website for free education and learning for inmates – some studies lead to certifications
- Archive version of Gawker – blog
- Men's Health – health blog
- Oregon.gov – state agencies and services
- The Gutenberg Project – open source literature

The inmates are only allowed games and limited mainstream sites: these games (incomplete list) are all free to the outside world, inmates charged five cents per minute.

- Candy Crush
- Angry Birds
- Charm King
- Feature films
- Fox TV
- BET
- Newsweek
- Time
- Cornell law school – poor quality law archive, and inappropriate to lock up access to law library behind inmate's ability to pay for online time!

Legal Questions:

Recently a Prison Legal News article detailed a lawsuit in Florida against Access Corrections doing in prisons there what is being done here: MP3 and MP4 players are sold to inmates, and the inmates pay up-charged prices for the music. Once the contract ends or changes, inmates are not allowed to own their purchased music. The contractor burns the songs to a cd and sends it off to the next contractor on the outside. Players cost \$150 and more (no longer available), and the songs, typically .99 to outside purchasers, and the men in prison are charged \$1.85 per song. Inmates are not sample the songs, but must purchase them by sight.

The problems with this: CD players have been phased out, inmates were sold over-charged MP3 players. But in the technology changes, the contractors refuse to transfer the content to inmates in a format that can be accessed. Inmates must buy the music all over again. Also please note that some culturally-specific offering, but not necessarily reflective of valid demographics of who is held in the prison.

Financial Issues:

Most jobs in the prison pay only around \$50 per month. Inmates without a social security number are not allowed to make more than \$50 per month, a clean way to be racist against Latinx people, valuing one race's work consistently less than all others irrespective of the work they, how much they work, how well they work. Considering commissary charges, phone charges and these charges, it's a depressing prospect for the 3,000-plus inmates at this least-served, least-regulated prison.

In the past three weeks we've suffered greatly from continuous dropped calls and untenable call quality. It has complicated our efforts to bring more verified information to the table for you.

Solutions:

Reports, renegotiation, industry surveys, hold the line and recognize the politics/dynamics of "useful stress" played by this service setup.

Reports must be required of both jails and prisons across the state, given that the kickbacks have been described as utterly necessary to provide unspecified "basic services for everybody". There was mention of the law library, something that is required to be accessible to all inmates equally and should never be locked up behind a technical paywall. One requisite to continuing matters as they stand should be that every prison must report at least semi-annually, in detail, what the kickbacks are being spent on and who is using the services. Indeed, validated measures as to who and how often should be supplied. Given the issues experienced with data coming from these agencies, it's important to lead off with a third-party audit of the measures to ensure these are valid. Rather than statewide reports, each and every jail and prison must report back with review – too often gaps in service and issues in equity are hidden inside of statewide reports. The kickback reports should be available to the equity commission for review and technical assistance.

Ultimately, it is an unseemly conflict of interest for a state agency, especially in the business of imprisoning citizens, to take kickbacks. Standard, meticulous, truthful reportage will provide the jails and prisons the data they need to return to the legislature and request that the state itself do its duty to the tax payers and fund the jails and prisons by those taxes levied, rather than double taxing people unfortunate enough to be justice-involved. If these are truly fundamental services, state legislators need to be able to see this, and come to the aid of the jails and prisons in funding that.

Renegotiate the contract with Telmate to ensure higher quality service, responsive problem-solving offered to both family and inmates, no kickbacks for any services of any kind.

In addition, ***survey other industries for fees to load funds and negotiate for reasonable charges.*** Look at other industries to learn whether prison contracts are specifically bloated. So far, Telmate is the least costly vendor (in terms of minute line

charges) to those most-impacted – families and inmates. Other vendors charge high connection fees and the maximum line charge that the FCC allows.

If a new vendor must be located, Oregon must be willing to hold the line on these issues. As it is, the jails will be continuing to impoverish and distress people – many of them innocent, many of them poor – who have entered the jails. The new plan for this service package allows the jails to keep taking kickbacks and to allow the telecoms to charge the maximum line fee or just below that, pilfer exorbitant fees for poor service: pretty much continue business as usual.

The financial and emotional stress represented by this burden at the time an inmate is trying to find legal counsel, sort out family and life, this plays into the purposive dynamic in jails where the pressure is maintained on the inmates to force them into taking pleas – anything to get out of the high-pressure jail environment and into the hoped-for calm of prison. This is a known in the business. It is illustrative of why, in Oregon, a staggering 95% of cases are pled out. Allowing the jails to continue doing business as usual indicates we buy in to the lack of equity so clearly identified in how Oregon does policing, charging, sentencing and all that goes with it at present. You cannot trivialize the role telecom has in the overall damage to front-end efforts of the incarcerated and their families.

As an inmate mother who is deeply impoverished by the requisites of supporting my son alone, I have to say to you that this working group has opted to maintain the situation such that someone like me shall have no opportunity to build any further retirement for themselves as their loved ones enter your jails. If you do not negotiate a similar or better pricing from the Telmate package, you will make my life worse than it is now., as my son will return home when I am 63, and until that time, SOMEONE has to support his scholarship, writing, continued graduate level technical self-directed studies requested by many on the outside. Once he comes home, the burdens will continue, as the reentry industry is specifically structured to amplify recidivism.

Any new vendor for Oregon prisons should not be allowed to go above the fee charged by Telmate, particularly given that none of the contractors offers better quality of service than any other.

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Providing information gathered from users of the Telmate and Access Corrections platforms at Snake River Correctional Institution

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