

Scene In SA

PROFIT OVER PEOPLE The True Costs of Prison Communication in Texas

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PROFIT OVER PEOPLE

The True Costs of Prison Communication in Texas

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Prison communication companies have realized that there's a great deal of money to be made by forging a revenue stream out of the fundamental need for human connection.

No matter your view on crime and punishment, being in a Texas prison cell is a brutal and dehumanizing experience. The sweltering temperatures of the concrete and steel confines without adequate air conditioning, the negative headspace and physical spaces inmates occupy and endure on a daily basis with sparse personal effects they were permitted to keep, the callous indifference with which they may be shunted from one space to the next, and the lack of personal autonomy in aspects of life like eating and showering: culminating to reinforce that prisoners are relegated to a place outside of the bounds of society. There are few, if any, human touches in a jail cell. This level of isolation can contribute to the complete dissolution of the person who existed on the outside.

For many who have experienced incarceration, one of the only lifelines to a semblance of normalcy is communication with loved ones. It is consistently upheld as a crucial part of what keeps them feeling connected and serves as a reminder that their punishment is indeed temporary and that there's a place and people for them to return to when they've served their time. What happens, then, when that gossamer thread is severed?

PRISONERS AS PROFIT CENTERS

When imagining communicating with someone behind bars, the mind instantly conjures images of in-person visitation, handwritten letters, jail payphones, and shared computer kiosks—even though we live in the post-pandemic digital age of instant everything: messaging, delivery, streaming, and satisfaction. The expansion of the means by which people can communicate presents an incredible opportunity for incarcerated individuals to connect with loved ones outside of prison, and vice versa—or at least, it's supposed to.

As advances in technology conveniently improve the ways in which we interact with each other on a day-to-day basis, the effect is warped in prison. New innovations, products, and services otherwise available to the general public must wend their way through myriad legislative roadblocks and security restrictions, if they're ever introduced at all. While technology has been implemented in Texas prisons to facilitate contact between those incarcerated and the outside world, it is not done out of some altruistic mission to more easily connect people with their loved ones.

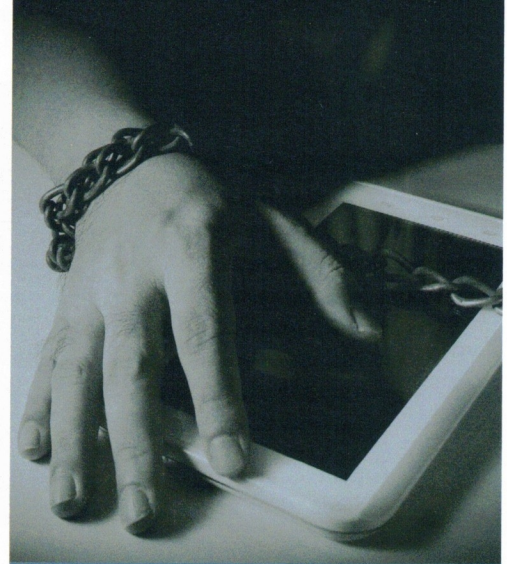
Representing a multi-billion dollar industry, prison communication companies have realized that there's a great deal of money to be made by forging a revenue stream out of the fundamental need for human connection. Operating within the murky legal waters of prisoners' rights and convoluted corporate structures, these companies capitalize on the fact that those entrenched in the prison system, their family, or anybody they wish to reach out to on the outside all represent a massive, captive customer base ready to be exploited.

Instead of snail mail and shared computer kiosks, many state prisons have bought into "free" tablet packages for inmates, allowing these private prison companies to siphon wealth from some of the most vulnerable populations, one costly "e-message" at a time. While "free" tablets sound great, it's part of a much larger scheme to reduce or eliminate communication channels that don't prove profitable for private interests and further monetize every aspect of a prisoner's life.

People scrutinize price gouging less when it comes to inmates. The financial burdens of incarcerated people and their families are often disregarded by society, so it's natural that prison telecommunications view them as profit centers – but there are several reasons why Texas taxpayers should care about the companies with whom our state government contracts.

SINCE WHEN DOES AN EMAIL NEED A STAMP?

Two companies have captured over 80 percent of the prison e-messaging market. Among these corporations monopolizing prison communications, Securus Technologies, under its "JPay" brand, is a dominant presence with contracts in 22 states—half of all states that offer e-messaging. Across various services like phone/video calling, e-messaging, location tracking, money transfers, media subscriptions, and others, the Dallas-based company has become a persistent fixture in correctional facilities across the country, including Texas since 2008. Securus ties hefty above-market price tags to each of these services, charging users wherever it can.



What's an "e-message"?

To the uninitiated, it sounds like regular email, but e-messaging is text-based electronic messaging severely lacking in functionality. Here are a couple reasons e-messaging is often much worse than email.

- Messages can only be accessed in a proprietary, closed software that does not function with any other email servers or software.
- Sending a message costs money. To attach a simple picture or short video, if supported, is an additional expense.
- If you're an attorney trying to send your client a legal form in PDF or Word format, forget about it – they're not supported.
- Also forget linking anything: news stories and webpages cannot be shared.
- Speak any other language? Too bad. Non-English characters are not supported.
- Unjustifiable and inconsistent character limits. Got a lot to say? You'll have to split that message and pay the cost for each separate message.
- Many e-messaging systems do not allow anyone sending a message to assert ownership of the content of communications as personal property.

SOURCE: Mike Wessler, SMH: *The Rapid & Unregulated Growth of E-Messaging in Prisons*, Prison Policy Initiative, Mar. 2023, <https://www.prisonpolicy.org/reports/emessaging.html>.

With arbitrary pricing structures and virtually inaccessible customer service undergirding a slate of services geared toward extracting as much money and information as possible from anybody interacting with them, the oft-sued company has dramatically altered the landscape of inmate communication—and they're still growing, despite a D- ranking with the Better Business Bureau.

Take a moment to consider how many text messages you send in a year. Remember the days of paying for every text message sent? It's not an archaic relic of the past.

Incarcerated people and their families still have to live that reality—and it's not cheap either. One "stamp", or the cost of sending a singular e-message, is 47 cents in Texas, which is among the highest per-message prices in the nation. A rate survey conducted by Prison Policy Initiative in 2023 found the cost to send an e-message ranges from being free in Connecticut to 50 cents in Alaska. Not only is it expensive in Texas, the varied costs across different states demonstrate the indefensibly capricious nature of this pricing.

Another strategy employed by Securus, along with the few other prison telecommunications that dominate this market, is bulk pricing. If you can afford to prepay for fifty stamps, the cost comes down a whopping nickel, bringing the per-message cost to 42 cents. Such a structure charges those who cannot afford to "buy in bulk" the highest prices. For those who can afford the bulk pricing, they may end up purchasing stamps they will never use without the possibility of refund.

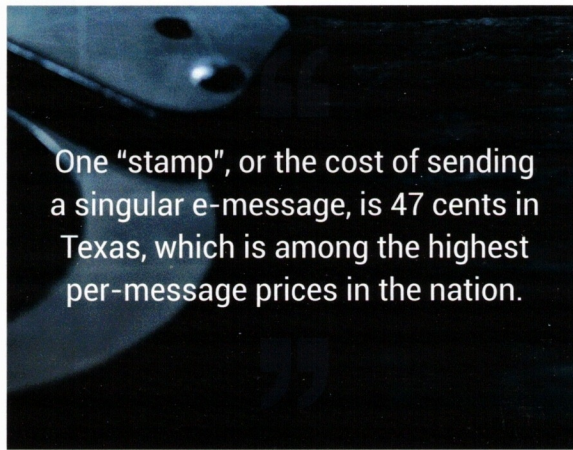
DEATH BY A THOUSAND CUTS

Sending an e-message requires no paper, ink, or actual postage, nor does it require significant labor as messages are generally subject to automated review processes; so why is it so expensive? Pinching pennies, nickels, dimes, and quarters from Texas' nearly 140,000 prisoners and their loved ones add up to profits that would put Scrooge McDuck to shame. And especially considering that in-person visitation was shut down during the COVID pandemic, prison telecommunications companies made money hand over fist, at the expense of families already facing increased costs of living.

The tablets may be free, but if an inmate sends or receives 300 e-messages costing 47 cents each over the course of their sentence, the \$129.99 cost of the tablet cited in Securus' contract has been more than recouped—and that's excluding profits raked in from other fee-based services. (For example, sending \$10 to an incarcerated family member costs between \$3.45 and \$4.45 through Securus' JPay.) Securus truly gives new meaning to the adage, "There is no such thing as a free lunch." Follow the money: of course the sheer volume of revenues reaped from use of the tablets far outweigh their cost.

ON THE HOOK

While the price of a First-Class Mail Forever stamp is now 68 cents as of January 21, 2024 and it may seem like Securus' e-messaging service is a



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better deal at 47 cents a "stamp," any attachments cost additional stamps per JPay. Want to send your loved one photos or a snap of the drawing their kid made through e-message? That'll be an additional 47 cents per attachment, please.

If you thought you could bypass Securus' control over prison communications by sending your incarcerated loved ones mail the old-fashioned way, you'd be sorely mistaken. Until very recently, inmates in Texas prisons could receive items like letters, greeting cards,

photographs, and drawings through the mail. Reliant upon the U.S. Postal Service, correspondences would be delivered to prison units and disbursed to inmates accordingly within a typical timeframe. As Securus has expanded their purview within the state, they've implemented new protocols severely limiting what mail can be sent directly to prisons, instead receiving the mail at their private facility to be inspected for contraband and, more importantly, scanned and digitized—privacy concerns be damned given JPay's broad data use and disclosure policies.

With the stated intention of curtailing an influx of drugs being smuggled into prisons via the mail, Securus' rollout of its Digital Mail service in July 2023 has done nothing in furtherance of this goal. Numerous studies, including an investigation by Texas Tribune and the Marshall Project, underscore the fact that prison staff are a major source of drugs in prison. In that light, it seems like a puzzling choice to completely replace a practical, emotionally beneficial avenue of communication with an unreliable, invasive, and costly new system.

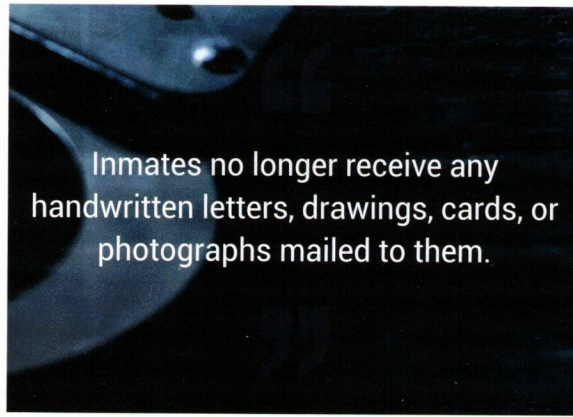
What does it mean, then, when mail is digitized? Per this new system, inmates no longer receive any handwritten letters, drawings, cards, or photographs mailed to them. Instead, they can anticipate a scanned (frequently incomplete, low-quality) facsimile of the document, made available to be viewed on a standard-issue electronic tablet. They'll never receive the original, robbing incarcerated people of the experience of holding the same piece of paper upon which their children's hands scribbled or smelling the perfume their wife sprayed lovingly on the envelope.

Compounding the problem, numerous incarcerated individuals shared that they experienced extended delays of up to three months in receiving their digitized mail. For anybody hoping to contact their loved ones within a more reasonable timeframe, however, the sole alternative becomes Securus' e-messaging system.

The implications extend beyond the family unit as well. While legal mail can still be sent directly to prison units, any e-messages sent and received using their system are all swept up together into Securus' servers. Attorneys should be weary of sending any privileged communications to their incarcerated clients through e-messaging and stick to the snail mail. No stranger to wiretapping lawsuits, the company seems all too happy to make the world's smallest pivot, before continuing to engage in the exact same behavior.

THE PLAYERS AND THE GAME

In a state that was the last in the country to allow inmates access to phones and email, the trajectory to e-messaging is stark. Prior to 2009, the first year the Texas Department of Criminal Justice (TDCJ) began installing phones throughout their prisons, inmates could expect one five-minute phone call every three months. With such a tidal shift in the way inmate communication is structured in Texas today, a pertinent question rises to mind: how do private corporations sell all these discrete services to state corrections departments? Mergers, acquisitions, and bundled contracts.



While there is regulation in place for the pricing of phone calls made to and from prisons, the relative nascence of prison e-messaging has allowed for the proliferation of a legal no-man's-land, wherein inmates and their families wishing to communicate are subject to the fiduciary whims of a third-party entity. With recent data indicating that Securus is operating in all but seven states, the company has attached itself to a particularly vulnerable population and their communities, and continues to feed apace.

There is a dearth of competitors in the prison telecommunications business. Two companies, Securus (under its JPay brand) and Global Tel*Link (GTL, rebranded to ViaPath), split the majority of the e-messaging "turf" among state correctional departments. Building the sprawling behemoth that is Securus was not by accident.

JPay was established in 2002 as a money-wiring service for inmates and ventured into e-messaging in 2004. JPay experimented with the tablet game in 2012, making them available for inmate purchase in certain facilities. Three years later, JPay was acquired by Securus in 2015 shortly before the Federal Communications Commission capped per-minute costs for phone calls from state and federal prisons.

Even while costs for local and long-distance calls decreased, Securus still proved lucrative. The September 2018 contract for incarcerated calling services was awarded to Embarq Corporation by the TDCJ. The TDCJ saw inmate calling (among many other functions) in Texas fall under the purview of Embarq. Securus, already a subcontractor with Embarq at the time, eventually took over the full contract in 2021 as Embarq purportedly sought to exit the industry. The proverbial foot in the door, Securus' takeover of the contract in Texas' prison phone market eased the way for cornering e-messaging through bundling other services with tablet schemes.

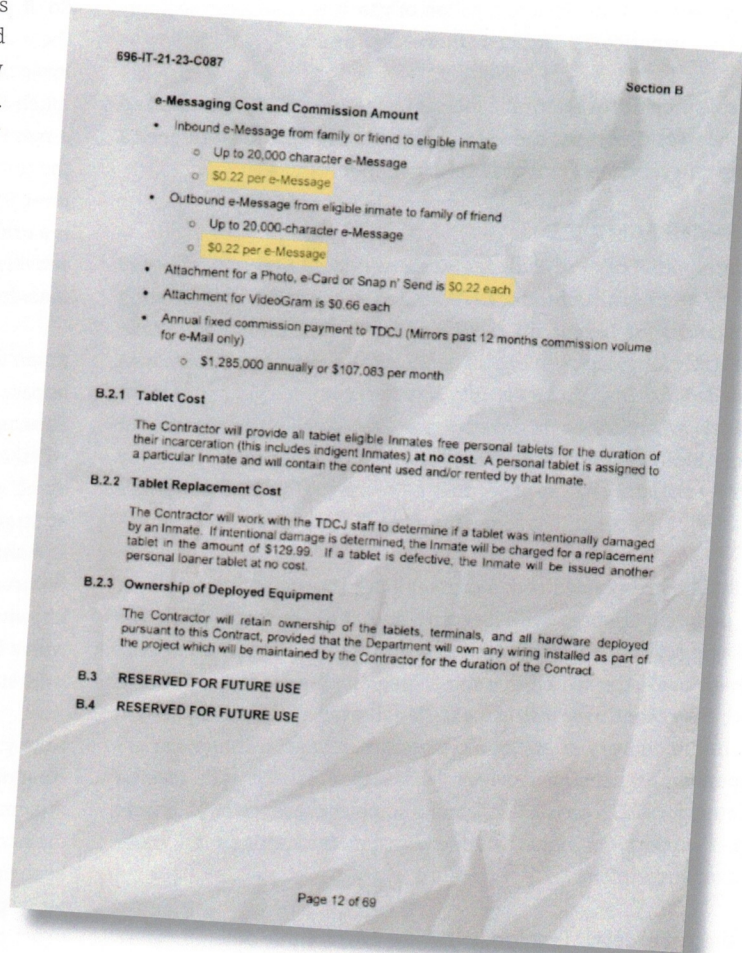
WHAT'S IN A CONTRACT?

A current contract signed between Securus and the TDCJ for e-messaging, mail scanning, release cards, and tablets

in January 2021 allowed Securus to operate at the sheer breadth that it does in our state today. Securus' saturation in the prison telecommunications industry has led to an outsized influence that has outpaced regulation and caused financial hardship for an untold number of customers with no other option. *Scene In SA* obtained a copy of this contract through a Freedom of Information Act request and confirmed that there have been no amendments to this agreement. It was set to expire August 31, 2023, but contained an option to extend until

2025. Aventiv, Securus' parent company, stated in a response to request for comment that the partnership between Securus and the TDCJ was extended in 2023.

Particularly perplexing is the pricing schedule contained in the contract for Securus' e-messaging system. Unsurprisingly, inmates and their loved ones are charged on a per-message, per-attachment basis to send and receive communications. Page 12 of this contract stipulates a rate of 22 cents for each inbound or outbound message up to 20,000 characters, including a cost of 22 cents for every single attachment (e.g., photo, e-Card, or Snap n' Send). However, these amounts are markedly different from the prices actually being charged to inmates and their families.



Egregious enough that sending text-based messages with photo attachments costs any money at all in this day and age, even more upsetting is that customers in Texas are seeing fees of *over double* the prices stated in the contract, without accounting for transaction fees up to \$3 that they may be charged. The rates provided publicly on JPay's website for its e-messaging services available in the TDCJ indicate a cost of 47 cents for a single stamp—a full 25 cents more than the cost represented in the contract. A single e-message with five attachments should result in a bill of \$1.32 under the 22-cent figure stated in Securus' contract with TDCJ. Under the rates actually charged, the same e-message with five attachments will cost a Texas inmate (or someone trying to communicate with them) six stamps, or \$2.82. How is it possible to simply add on an additional cost that's even higher than the original number represented to state officials on paper? Where is that unaccounted-for 25 cents per "stamp" going? Aventiv did not provide a specific comment in response to the discrepancy between the TDCJ contract and its rates for e-messaging services in the TDCJ on JPay's website.

"The contract appears to be in violation in a way that exposure is detrimental to the state," explained Paul Anderson, a Texas civil rights attorney. With the level of profit the runaway fee pricing speaks to, he offered a grim rationale: "It's too profitable not to break the law!"

For TDCJ inmates, many of whom are unable to earn the average \$10 weekly wage paid for the incarcerated labor of inmates in other states, the financial onus is placed squarely on the shoulders of families and their communities. When the cost of sending a single text message with photos of loved ones is comparable to a gallon of gas, it becomes increasingly difficult not to notice the impact on the bank account.

As the sole provider of electronic messaging between TDCJ inmates and the outside world, Securus has—seemingly illegally—further tightened a vise-grip on a very important channel of communication.

PUNISHING FAMILIES

Considering the cost of utilizing their services, Securus' effective monopoly on prison communication has led to a number of frustrating circumstances for Texans interacting with the carceral system. While unacceptably long delays in digitizing physical mail have led to its own host of destabilizing problems like inmates not receiving important paperwork when trying to arrange for life after imprisonment, or missing deadlines simply because a document didn't arrive in time, the financially predatory nature of Securus' e-messaging "service" continues to negatively impact families across the state.

Scene In SA corresponded with a current TDCJ inmate and their parent about their experiences with Securus and their feelings about the e-messaging system. Citing months-long delays in sending physical mail, the parent made the switch to e-messaging, hoping for faster delivery. Instead, they were met with an additional array of issues, including delays in the delivery of electronic messages, character limits, certain correspondences needing "review" before they can be sent on (the parameters for which are unclear), and a complete absence of help from customer support. On more than one occasion, messages simply never made it to the recipient.

"Regarding the delay, from what I have heard from other inmates' attempts at complaining to the postmaster, USPS can't do anything

about the issue as it is considered delivered in the eyes of the law once it arrives at the postmarked address," the inmate explained in a letter sent to *Scene In SA*. "This means that our families are forced to choose between e-messages that get delivered within 24 business hours at roughly \$0.50 per page/attachment or spending one forever stamp to send an envelope of 15 pages but with a three month delivery timeframe."

In a phone conversation with the inmate's parent, they echoed a similar sentiment: "If it's a time-sensitive issue, you cannot rely on Securus."

"They've got these inmates by the horns," they lamented, "and they're taking advantage of it, because they know they can get away with it."

Asked if they think the system is better in any way, they responded flatly. "No. The communication is worse, in my opinion." Considering those on the outside who would communicate with an incarcerated individual, they wondered about Securus' intentions: "Why would they create situations that hurt the family member?"

In their extensive dealings with Securus and the abject absence of any resolution they've received from the company, the word "apathy" came up. Like so many others across the state with a family member, friend, or loved one in prison, the parent is attempting to maintain a vital connection, and is being met at every instance with fees, technical failure, and perhaps most insultingly for a communication company, silence.

TAKE ACTION

So, if prison is the punishment, what does this cost represent? When there are innumerable low and no-cost options for communicating with loved ones outside of prison, how does one justify charging over twice as much as contractually stated? In states like California, overseen by GTL, e-messages cost 5 cents. Why, then, must Texans pay over nine times the price to do the same? On an ethical, technological, and professional level, Securus has wholly failed to facilitate their services. What remains is a pricey, predatory system that takes advantage of individuals who are actively serving their time as ordered, as well as every single person on the outside who hopes to connect with them.

If you've read this far and still find yourself wondering, "How does this impact me?," know this; you are not unaffected. The agreement between Securus and the TDCJ turns on the tax dollars of every citizen in Texas, whether you support the system or not. Further, where the commission alone contributes to their bloated fee schedules, their outrageously arbitrary pricing effectively hits already-vulnerable communities twice, siphoning resources from local families, neighborhoods, and businesses. Securus clearly has no impetus to turn off the cash spigot on their end knowing that the tap is connected directly to the wallet of every person with a loved one in prison. Perhaps it's time for us to extricate ourselves from such predatory practices.

Now, you may be thinking: this is a multi-faceted problem involving large conglomerates with a lot of money. Fortunately, there are individuals, organizations, and legislators who have also seen the extent to which our incarcerated population and anybody hoping to interact with them have been pumped for money. If you're inclined to count yourself among them, we've provided a resource bank for where to share your thoughts, ideas, or actions. ■



RESOURCES FOR WHERE TO GO NEXT:

Share your story. Email your experiences about prison communication to us at:

Editorial@SceneInSA.com

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Legislators

Contact your US Congressman:

Congressman Joaquin Castro | (202) 225-3236

Contact your TX Senator:

Senator José M^enendez | (210) 733-6604

Contact your TX House Representative:

Ray Lopez | (210) 684-5419

Helpful Websites

American Civil Liberties Union of Texas (ACLUTX.org)

Texas Inmate Family Association (tifa.org)

Prison Policy Initiative (prisonpolicy.org)

Helpful Organizations

Lioness Justice Impacted Women's Alliance (lionessjiwa.org)

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EDITOR'S NOTE:

This is not intended to be legal advice, create an attorney-client relationship, or advise the reader of any claims. The information presented herein is general in nature and was compiled from various public sources. If you believe you have been overcharged or affected by Securus' e-messaging pricing, contact an attorney.

Scene In SA reached out to the TDCJ and Securus Technologies for comment. A full copy of the response from Aventiv, the parent company for Securus, is available on scenensa.com.