



Testimony in support of HB21-1201, Transparency Telecommunications Correctional Facilities:

There should be no profit motive to human suffering and isolation. This includes incarceration and incarceration-related service providers.

CCDB supports this bill because it would reduce the predatory business practices surrounding telecommunications, necessary services for those deprived of their liberty in Colorado.

We already have some protections for telecommunications services providers in state prisons, where people incarcerated are all serving sentences on felony convictions. This bill would address local jails, where the majority of those incarcerated are held pretrial—meaning they are presumed innocent, convicted of no crime, and only in custody because they cannot afford their bond. Price gouging and profiting from this literal captive audience should not be allowed.

It is of the utmost importance for those held in jails to have contact with the outside world. They need to be able to talk with family, friends, and co-workers to aid in their own defense. Defense lawyers need contact information for potential witnesses, to conduct interviews, to gather evidence in order to effectuate the constitutional right of the accused to present a defense. We have all had cases where that defense was out of reach because the lawyer and the client held in custody could not access the necessary information. That can change the outcome of a trial. It can mean the difference between a conviction and an acquittal.

In plea negotiations and sentencing arguments, we need to learn more about a client's life (family, education, employment, medical, mental health, etc.) to advocate. We cannot effectively present mitigation for a client who cannot get a hold of anyone on the outside. We need details to order records, subpoena documents, and do our jobs. This is information our clients can only access if they can afford phone calls from inside the jail.

A community-based sentence depends on stabilizing factors, like having a job waiting for you upon release, having a sober living environment, having someone who can help you with transportation to probation appointments, UA's, classes, community service, and other forms of supervision. A client who can set that up through telecommunications from the jail is far more likely to get probation and succeed than one who is cut off from the outside world. Beyond that, medical and mental health treatment need to be lined up and family ties maintained, not hindered, in order to aid a return to the community and to reduce recidivism.

All of this depends on affordable telecommunication for those in local jails. That access to communication benefits the client, their family, their constitutional rights, the ability for defense lawyers to provide effective assistance of counsel, and public safety.

Please vote yes on HB21-1201.

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Thank you Madame Chair Pettersen and members of the committee for your time today. We are writing to testify in support of HB21-1201.

The Colorado Immigrant Rights Coalition (CIRC) is a statewide membership-based coalition of immigrant, labor, interfaith, youth and ally organizations founded in 2002 to build a unified statewide voice to improve the lives of immigrants and refugees in Colorado.

The issues that plague our criminal justice system parallel those we see in our immigration court and jailing system. Lack of access to affordable phone calls is just one of many issues immigrants and those detained face when trying to navigate the complex immigration and criminal court systems while behind bars.

While in jail or immigration detention, detainees are often at risk of losing their jobs, housing, and custody of their children. Calls with loved ones are critical for people under these conditions, who may need to coordinate child care or elder care, make arrangements for missing work, have prescriptions brought to the facility, or simply have someone to talk to while incarcerated. Unlike those in criminal detention, immigrants do not have a guaranteed right to legal representation nor access to court appointed attorneys. Therefore, it is their responsibility to hire an attorney, which often requires making many phone calls. **The ability to make affordable phone calls to attorneys, family, and friends is absolutely essential.**

Without access to affordable phone calls, immigrants and other individuals who are imprisoned are unable to do necessary outreach to their families and in their legal interest to gather evidence and documentation needed for their legal defense. Profitability in the private sector should never come at the expense of our democratic values, basic protections, and due-process - one of the most fundamental pillars of our democracy.

By providing transparency and creating affordability standards in correctional phone calls, Colorado can increase fairness in our criminal justice system by eliminating the barrier to making a critical phone call while incarcerated.

We urge you to vote yes in favor of HB21-1201.

Thank you for your time and consideration,
Colorado Immigrant Rights Coalition

Dear Committee Members,

Thank you for taking the time to read my written testimony in support of HB21-1201. My name is Jamie Ray and I lead the Civic Engagement efforts at Second Chance Center, a non-profit in North Aurora that assists formerly incarcerated people with transforming their lives into success and fulfillment. HB21-1201 is an important bill that would impact the people we serve. As we know the price of phone calls in jails are extremely high especially compared to that of prison calls, as well as there is no clear data on the kick backs that facilities are receiving for these private communication companies. Having the availability to communicate while in jail is an extremely important factor to an incarcerated persons chance of getting out as well as maintaining their mental health while incarcerated. There are many people in our jails who live below the poverty line and do not have the extra money to spend on phone calls, this limits their ability to speak with their family about posting bail and communicating with an attorney. They may not be able to communicate with their family about things that impact the "outside world" things like, when the bills need to be paid, to let their job know what happened, and even just to check in with their kids to let them know that they are safe. Through this time of COVID we have all got a small insight into the seclusion that incarceration causes, many of us were unable to see and hug our family members and that was extremely hard. Now imagine not being able to even call them or facetime them and if you do get the chance to call only being able to afford to talk to them for a couple minutes maybe once a month. Incarcerated individuals and their families are living with the burden that their family may need to ration what bills to pay or food to buy, just to stay in communication with each other, and that is in no way acceptable. Especially in a jail where there is a high number of people who are pretrial. I urge you to protect our state, to have these private companies begin to be transparent in their operations in our state, and to be apart of the changes needed to have individuals have successful re-entry into our society.

Thank you,

Jamie Ray

J.D. Candidate

Lead of Civic Engagement

Second Chance Center

May 11, 2021

Senate Finance Committee

HB 21-1201 Transparency Telecommunications Correctional Facilities

Madame Chair and Members of the Committee,

I'm Melanie Kesner, the public policy director at the Interfaith Alliance of Colorado. We bring people together across diverse religions and backgrounds to work towards equal rights, inclusion, and opportunity for all Coloradans. I'm here today because HB 1201 reflects these shared values that are held across our different traditions.

Last session, one of the faith leaders in our membership, Pastor Rich Gianzero, spoke about his own experience behind bars. He described his time in prison as being, *"an encapsulated space whose confinement includes the body and place. It limits perspectives and growth rather than fostering human development."* He spoke of his inability to look forward due to how prison confined his perspective and just how easy it was for him to lose hope. That is why maintaining connections with loved ones on the outside is crucial. This bill would prioritize incarcerated people's ease of communication to those support systems, including clergy and spiritual support, on the outside. In addition to increasing hope, these connections have been proven to be key to reducing recidivism rates.

Decades of studies have consistently found that people in custody who maintain close contact with their family members while serving time have better post-release outcomes. As mentioned previously, even phone providers themselves acknowledge the benefits of staying in contact and yet they charge high rates and fees that often prevent families from being able to receive calls from their incarcerated loved ones.

During the past year- when we were all isolated from our loved ones, the telephone proved to be a lifeline for families. The same is true for families with loved ones who are currently incarcerated. We also know that those behind bars are overwhelmingly low income and largely from communities of color. Visiting family members in jail or prison can often be very difficult and is often prevented by extensive barriers. For these families, the telephone is their only link to a loved one who is behind bars.

Colorado is ranked in the top twenty most expensive states for the cost of calls from the county jail. Our state is also ranked third in the nation for the worst disparities between the cost of the first minute and subsequent minutes. We can address this issue with this bill which requires companies to publicly release rates and fees and lowers the rate caps for calls to and from correctional facilities.

The best version of our criminal justice system works towards both

transparency *and* rehabilitation. This bill would move the needle in both areas. The various faith communities that the Interfaith Alliance of Colorado represents all believe in a vision of the future where our criminal justice system is both transparent and rooted in racial and economic justice. Thank you for the opportunity to submit testimony and I urge you to vote yes on HB 1267. Thank you.

Senate Finance

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HB21-1201 Transparency Telecoms Correctional Facilities

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
David Berkovits Against Self	<p>As a voter in the state of Colorado and a Motorist and Commercial Truck Owner/Operator I do NOT support ANY more taxes and fees to improve transportation in Colorado. I believe the state already has the money if the corrupt politicians in this state would manage it properly. It is time for Colorado to stop punishing the people who live and work here with taxes to support liberal un American new world order causes too.</p>
Alexi Jones For Prison Policy Initiative	<p>Thank you, Chair Julie Gonzales, Vice-Chair Pete Lee, and distinguished members of the Finance Committee, for providing the opportunity for me to submit written testimony. My name is Alexi Jones and I am a Policy Analyst at the Massachusetts-based non-profit, non-partisan Prison Policy Initiative. For the last seven years, the Prison Policy Initiative has been one of the leading organizations fighting for fairer costs for families of incarcerated people.</p> <p>I recently co-authored our third report on phones in prisons and jails, The State of Phone Justice: Local jails, state prisons, and private phone providers. For the report, we collected the phone rates for over 2,000 jails in the United States, including 46 facilities in Colorado. We found that jails in Colorado charge as much as \$14.85 for a 15-minute phone call, and on average a 15-minute call costs \$6.50.</p> <p>Our experiences collecting data on jail phone rates highlight the importance of passing HB21-1201. We had to manually look up the rates in each facility in the country served by one of the several prison phone companies that post the facilities they serve, and how much they are charging in each facility online. This took weeks.</p> <p>However, our methodology left us with nearly 1,000 missing facilities, as many companies refuse to post what facilities they serve and what rates they charge online. Because of this, in Colorado, there are 23 counties where we have no idea what companies provide phone services, and what rates they are charging incarcerated people. Moreover, even the companies that do post their rates and facilities online often fail to keep the rates and facilities listed on their websites up-to-date, creating even more confusion and uncertainty.</p> <p>There is currently no transparency or oversight of jail phone rates in Colorado. But the data that is available tells us that jail phone rates in Colorado are too high, and, as a result, Colorado families are struggling.</p>

	<p>If passed, HB21-1201 would provide legislators and regulators crucial information about what companies are charging incarcerated people and their families for phone calls, and provide the information necessary to determine what steps the state should take to make calls more affordable.</p> <p>Thank you for your time and your work.</p>
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