

Fiscal Estimate Narratives

DOC 12/21/2023

LRB Number	23-5057/1	Introduction Number	SB-0730	Estimate Type	Original
Description technology service access by inmates of state correctional institutions and county jails and houses of correction and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill provides that inmates of a state correctional institution or county jail or house of correction be allowed access to email, live audiovisual calling services, and electronic media services if they have a personal computing device. Under the bill, the Department of Corrections (DOC) or the sheriff or person in charge of a county jail or house of correction may charge the inmate for the services, but the charge to the inmate may not exceed the cost charged to DOC or the county by the service provider for such services, and each inmate must be provided a weekly stipend of \$17.50 to purchase such services.

This bill also provides to DOC \$13,213,800 in FY24 and \$19,820,700 in FY25 to pay for DOC inmate technology access stipends and \$3,033,300 in FY24 and \$4,550,000 in FY25 to reimburse counties for county jail or house of correction inmate technology access stipends.

As of August 2023, seventy-five percent of the Division of Adult Institution population had a "qualifying device" that was purchased by a person in our care (PIOC) from the DOC tablet provider vendor. In November 2023, the Department finalized a new contract with a new provider. Under this new contract, a tablet will be provided to all persons in our care to use during their time at DOC. These tablets will not be the personal property of the PIOC. These new tablets will be issued to PIOC's as locations are upgraded with Wi-Fi throughout all housing areas. It is estimated that this could take 12-18 months, with the first rollout happening in February 2024.

With the tablets PIOC's will be able to make phone calls, access electronic messages, access media (including games, music, and movies), and other services. For security reasons, the tablets will not be used for video visitation calling services - PIOC's are allowed to make video calls using video visitation units, which have been installed at various locations in the institutions. DOC also does not allow for PIOC's to send or receive traditional email, but allows for PIOC's to utilize a secure messaging system offered through the tablet contract.

PIOC's are currently issued a \$0.50/week media credit stipend. The stipend was intended to only be used for message communication, however the vendor was unable issue a message specific credit. Currently a PIOC is allowed to save the weekly stipend and use the credits to purchase music or games. Under this bill, PIOC's will receive a weekly \$17.50 media credit stipend which will require staff time to administer. Each institution business office will require one additional Financial Specialist - Entry FTE for each institution's business office, a total of 20.00 FTE at an annual cost of \$1,647,700 would be needed.

The GPR allotment for FY24 provides stipend funding for an average daily population (ADP) of 21,780 PIOC's. Through 2023 Act 19, the DOC is projected to have a FY24 ADP of 22,242 PIOC's. Providing the stipend for the additional projected population would cost the Department an additional \$420,000 in operating expenses for FY24.

This bill prohibits the Department from charging PIOC's for a service beyond the cost charged to DOC. The Department does not add a surcharge when PIOC's purchase a media service, but instead receives a set percentage from each purchase as laid out in the vendor contract. These funds are used to maintain and expand services. Should this violate the intent of this bill, the Department will have indeterminate additional expenses to provide these services and have to renegotiate this term in DOC's contract with the vendor.

LOCAL

Under this bill inmates in county jails and houses of corrections would need to be allowed access to email, live audiovisual calling services, and electronic media services if they have a personal computing device. The sheriff or person in charge of a county jail or house of correction may charge the inmate for the services, but the charge may not exceed the cost charged to the county by the service provider, and each inmate must be provided a weekly stipend of \$17.50 to purchase such services. The bill provides funding to DOC in FY24 and FY25 to reimburse counties for inmate technology access stipends.

DOC's understanding is that this requirement is intended to only apply to DOC PIOC's placed in local detention facilities. Given that, this bill should only require changes to a local detention facility if it supervises DOC PIOC's and either does not already provide inmates with access to email, calling services, and electronic media services, or does provide those services but charges inmates for more than the service provider's fees for those services.

Many county jails currently provide tablets for inmate use, and any DOC PIOC's placed in a local jail are requested to have access to the same tablet, if applicable, as any other inmate in that jail. DOC's understanding is that inmates in jails are not charged for the tablet itself, and instead are charged for any calls, emails, and media purchases made on the tablet. For DOC PIOC's in local detention facilities, those costs would be offset by the weekly inmate technology access stipend of \$17.50 required under the bill. As DOC already pays counties for the use of contract beds for state PIOC's, this stipend could be provided to counties under the existing reimbursement process.

If any local detention facility that supervises DOC PIOC's, currently or in the future, does not already offer its inmates access to email, calling services, and electronic media services, this bill would likely require technological retrofitting of the facility, at a cost for the applicable county. If a local detention facility that supervises DOC PIOC's already provides these services to inmates, but charges inmates more than the provider's cost for those services, the bill would require the facility to reduce its fees for DOC PIOC's, thereby reducing revenue for the applicable county. Any county supervising DOC PIOC's would need to work with its technology service providers to ensure that DOC reimbursements for its PIOC's are correctly accounted for in their systems, particularly in the event that service charges for DOC PIOC's diverged from the rates charges to other inmates. This could introduce significant operational complications for those counties and service providers. Otherwise, this bill's requirements would not increase costs for local governments.

Long-Range Fiscal Implications