

After years of resistance, Texas prisons answer call for inmate phones

Security, monitoring will be the biggest challenge, officials say.

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For decades, top Texas officials predicted the worst if convicts in the nation's second-largest prison system were given broader access to telephones: riots, contract murders, drug smuggling, harassment of victims. The fears scuttled several attempts by telephone industry lobbyists to launch toll-call services like those operated in other states.

So clear was the opposition that candidates for Texas governor once pledged never to allow phones.

Texas inmates have been allowed one five-minute call every 90 days for good behavior. The calls are monitored by an officer, such as Travis State Jail's Capt. John Flores, who times Ernest Robinson's call Friday. Under a new law, the number of inmates making calls could soon be in the thousands.

But a month ago, the Legislature approved prison phones without a single protest from officials or an outcry from crime victims groups, thanks to changing technology, behind-the-scenes lobbying by potential vendors and a perceived shift in public sentiment.

The action makes Texas the last state in the nation to approve prison phones. It will be one of the biggest operational and cultural shifts in years in a tradition-bound corrections system housing more than 154,000 convicts where change seldom comes easily.

The state could make as much as \$15 million over two years from the phone calls, according to initial estimates. But it will come at a cost: designing security procedures to make sure prisoners can't use the phones to commit crimes.

"Monitoring calls is the key, and that's going to be a huge job, like keeping track of all the calls in a city the size of Waco," said John Moriarty, the prison system's inspector general and the official likely to be responsible for overseeing the system.

Officials are just beginning to develop rules on phone use and to prepare requests for bids from private contractors to design, install and operate the system, which could be in place in as little as 14 months.

Officials haven't decided the details of the new phone system, such as whether the phones will operate like those in many county jails, where inmates can make collect calls, or whether it will use phone-time credits that inmates could buy.

Under the new law, inmates will be allowed to call only people who are on an approved list. All calls must be monitored. And a plethora of technical gizmos will be used — even blocking call forwarding and conference calls that could ring in forbidden contacts — to ensure that convicts do not call people they're not supposed to.

Complex endeavor

In a state with 106 prisons and a dozen other parole and pre-release lockups, both the phone system and the security that goes with it will be a huge undertaking, officials concede. All told, more than 5,100 phones could eventually be installed: one for every 30 convicts, officials say.

"We don't know the details now, because we haven't even started developing the requirements or policies," said Michelle Lyons, the prison system's Huntsville-based spokeswoman. "But we believe this will be a good step."

Under Senate Bill 1580, which took effect May 15 without the signature of Gov. Rick Perry, who once opposed the idea, the Texas Department of Criminal Justice is required to get a pay telephone system for inmates up and running by September 2008.

In a formal statement about the bill, Perry acknowledged that he had "serious concerns" about "broadly worded provisions that could result in phone perks for pedophiles and other violent offenders."

But he said he decided not to veto the measure because he believes that prison officials will develop stringent rules to prevent those offenders from getting any access to phones.

So how did the once-dreaded measure get such a smooth approval?

Lawmakers and supporters say several things were at work. Prison officials' confidence in new technology to thwart crime helped persuade Perry. Victims' groups liked a provision that requires the first \$10 million in revenues paid to the state to be allocated to the Crime Victims Compensation Fund, a big financial shot in the arm for a fund that paid out \$83 million in 1996.

And for the first time in years, legislative leaders cheered on a variety of measures aimed at rehabilitating convicts and helping them successfully fit back into society. Not so many years ago, lawmakers prided themselves on making prison conditions harsher.

"The climate has changed. This was the year for it," said Joan Burnham, immediate past chairwoman of the Austin/Travis County Reentry Roundtable, a community group that promotes rehabilitation initiatives for ex-offenders. "It's a significant step forward."

Added Tim Durbin, an ex-convict from Houston who attended legislative hearings on the phone bill as a member of a ministry group, "This will allow inmates to stay in better contact with their families. . . . It feels weird for Texas to be approving this, but it's happened."

It happened, in fact, with unanimous approval in the Senate on April 24 and a 142-1 vote in the House on May 2.

"The movement forward in technology has been significant in the past few years, and that can change your outlook," said House Corrections Committee Chairman Jerry Madden, R-Richardson, a sponsor of the bill. "If the technology didn't ensure that we could protect victims, it would still be where it was a few years ago: nowhere."

Preventing crimes

Texas' no-phone policy has long been in effect, but inmates with good behavior records have been allowed one five-minute call to an approved person every 90 days — one every 30 days for nonviolent offenders in state

jails — with a warden's permission. They make a collect call, and a guard sits in on an extension nearby, listening to every word.

But where hundreds of convicts may make calls in one month now, that number could soon become tens of thousands. For each, the state will receive a cut of the fee for the call.

The fee must not be higher than is charged for county-jail calls in the area, an attempt to avoid controversy over exorbitant charges that have made headlines in other states and drawn complaints from convicts' families.

Officials in other states are now blaming those high charges for a dramatic rise in the number of prohibited cell phones they are confiscating.

In California alone, more than 1,000 cell phones and BlackBerrys have been grabbed in the past year, a smuggling epidemic that Texas has been coping with in much lower numbers.

Even so, on one seized phone, investigators found photos of the outside of the prison, leading to security concerns that an escape was in the works. None ever occurred.

"We've seized 500 (cell phones) in three years," Moriarty said. "I think (access to regular phones) may cut down on our cell phone problem. If they can get regular access to phones, it will be easier than trying to get a cell phone smuggled into a unit."

Possessing a cell phone or parts of a phone in a Texas prison is a felony.

The new system will allow all calls to be monitored at a central location, which could catch more criminal activity in a cat-and-mouse game between investigators and convicts that is now mostly played out in the mail, where officials decipher coded messages, recognize gang signs and confiscate photos and other indications that criminal activity may be afoot.

New phone technology allows officials to use biometrics — fingerprint and eyeball identification — to verify inmates who can make calls and other technology that allows investigators to target calls by cons more likely to engage in illegal activity.

What kind of things could prison officials hear?

Moriarty tells about a Mafia don on the phone at a New York prison, a story retold at prison investigators' conferences.

"Don't forget to bring the thing," the don said.

"The thing?" asked the man on the other end of the line.

"Yeah, the thing."

He quickly added, "And don't forget to bring the bullets for the thing."

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