



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** June 7, 2004

**ITEM NUMBER:** Item Number

**SUBJECT:** Inmate Pay Telephone Agreement between the City and Evercom Services, Inc.

**DATE:** ay 26, 2004

**FROM:** Police Department, Technical Services Division

**PRESENTATION BY:** Lieutenant Allen Huggins

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Allen Huggins (714) 754-5282

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## **RECOMMENDATION:**

Authorize a five-year agreement between the City and Evercom Systems, Inc. to continue providing an Inmate Pay Telephone system for the Costa Mesa City Jail.

## **BACKGROUND:**

Pursuant to Title 15 Crime Prevention and Correction, Division 1, Board of Corrections, Section 1067, "a jail administrator / manager shall develop and implement a plan which allows reasonable access to a telephone beyond those telephone calls which are required by Section 851.5 of the California Penal Code." Telephones located in the cells are to allow inmates to communicate with their families and legal representation. Current California law allows private companies to install and maintain telephone systems in a jail facility. These companies pay a commission to the user facility, which are deposited in an Inmate Welfare Fund. The proceeds and interest, which accumulate in the Inmate Welfare Fund, may be utilized for expenses related to the benefit, recreation, education, or welfare of inmates. Any funds that are not needed for the welfare of the inmate may be expended for the maintenance and operation of the City Jail Facility pursuant to the California Penal Code, Section 4025 (e).

On January 4<sup>th</sup>, 2000, the City entered into a three-year agreement, with a one-year extension option, with Evercom Systems, Inc. for the purpose of placing non-coin operated telephones (NCOTs) and providing inmate telecommunications services at the Costa Mesa City Jail. This contract provided that the City received a royalty of thirty-eight percent (38%) of the monthly gross billed revenue generated by the NCOTs on a monthly basis. This contract expired on January 4, 2004.

In January of 2004, negotiations began with Evercom Systems, Inc. for the continuation of their services. As a result of the negotiations, Evercom Systems Inc. has offered the City a five-year Inmate Pay Telephone system, which includes an upgrade of the current system, as well as an increase of the royalties received from thirty-eight percent (38%) to forty percent (40%). Refer to attachment "B" for details.

**ANALYSIS:**

During the term of the agreement dated January 4<sup>th</sup>, 2000, the Inmate Pay Telephone system consisting of non-coin operated telephones and inmate telecommunications services functioned well as contracted. The City received the revenues as per the agreement. There were no significant problems or issues as a result of the agreement between the City and Evercom Systems, Inc. The Costa Mesa City Jail still utilizes the Evercom Systems, Inc. NCOT system, which functions well in its current configuration.

**ALTERNATIVES CONSIDERED:**

The City does not possess the capability of providing inmate telephone services on an in-house basis. Therefore, the only alternative is to secure the services of a private vendor.

**FISCAL REVIEW:**

This agreement will generate additional revenue for the City. Its approval will not result in the expenditure of additional City funds and does not require a budget adjustment.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed the agreement between the City and Evercom Systems, Inc. and has approved it as to form.

**CONCLUSION:**

Evercom Systems Inc. has provided an NCOT system for inmate telecommunications services that functions well in its current configuration and as indicated in the agreement. The proposed contract with Evercom Systems Inc. increases the percentage (from 38% to 40%) that the City will receive for the duration of the proposed contract (five years). The acceptance of the proposed contract with Evercom will enable the City of Costa Mesa Jail to have continuity with the inmate telecommunications services that are necessary.

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TOM WOOD  
Acting City Attorney

DISTRIBUTION: City Clerk  
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ATTACHMENTS: 1 [Inmate Pay Telephone Agreement](#)