

# YORKDISPATCH

---

LOCAL

## Yet another lawsuit, this time over phone service, targets York County Prison



**Matt Enright**

York Dispatch

Published 7:30 a.m. ET Jan. 17, 2022 | Updated 2:26 p.m. ET Jan. 17, 2022

Last January, York County voted to renew a contract with Global Tel Link for inmate calling services at the prison.

Now, that decision is the subject of a lawsuit — the second filed by the Florida-based Smart Communications — alleging that York County Prison and GTL conspired to interfere with Smart's own proposal.

It's the latest in a series of controversies at the prison, including a class-action lawsuit related to allegations of misconduct by a training contractor, lawsuits concerning medical care at the prison and an ongoing COVID outbreak that's affecting about 1 in 10 inmates.

**>> Please consider subscribing to support local journalism.**

Commissioner Doug Hoke, who serves as president of the Prison Board of Inspectors, had no comment. GTL, former warden Clair Doll and President Commissioner Julie Wheeler likewise declined comment on the latest litigation.

While the legal wrangling here concerns competing businesses — both looking to profit from a prison communications contract — it speaks to an often fraught issue: the high costs inmates are forced to pay in order to keep in touch with the outside world.

York County Prison's deal with GTL lowered the cost for inmates to \$0.16 cents per minute. At one point, GTL charged \$0.25 per minute; after an outcry following a York Dispatch report, that was lowered to \$0.19 per minute before the new contract was passed in 2021.

That's roughly in line with what prisons are currently charging inmates, said John Hargreaves, the Pennsylvania Prison Society's director of volunteers.

"Phone calls for those who are incarcerated are becoming much cheaper," he said.

**READ MORE:** York County, prison contractor sued over alleged inmate abuses

In York County, phone calls are capped at 20 minutes. Under the new GTL contract, that call costs \$3.20 cents — down from \$5 under the old contract before it was renegotiated.

According to its lawsuit, Smart Communications said it planned to cut the rate in half. The company would not comment on specific rates but, based on its figures, a 20-minute phone call would have cost an inmate between \$2.40 and \$2.60.

Those who are incarcerated need to be able to communicate with those outside prison to accomplish things like having a re-entry plan when they are released, Hargreaves said. "The phone calls are critical for that," he added.

GTL is one of the companies, if not the biggest company, that provide communications for prisoners, Hargreaves said. The Pennsylvania Prison Society has not dealt with them, nor have they received complaints about GTL specifically from prisoners.

The company has faced issues in the past for its pricing of prison phone calls. In Maryland, a federal judge approved a \$25 million settlement fund against GTL in 2020. According to reporting by The Baltimore Sun, at one point GTL had been charging inmates \$4.50 for a 15-minute call.

That settlement ended a seven years of litigation against GTL by inmates who alleged the company charged up to 100 times the actual cost of calls made from jail, stemming in part from the practice of GTL paying high commissions to participating correctional institutions.

The main improvement for prison phone calls that's needed, according to Hargreaves?

Access. Especially in the time of COVID.

"Prisoners are stuck in their cells," he said, "and they don't get access to out-of-cell time and you need, obviously, out-of-cell time to make a phone call."

According to its lawsuit, Smart Communications became aware in 2020 that the prison was using patented systems illegally — specifically, the "Mailguard" and "Mailguard Tracker," which allows prisons to process and examine mail delivered to jail settings. A patent for the Mailguard Tracker was issued in 2019.

York County Prison uses "TextBehind," according to its website, which allows electronic messages to be sent to a website, which then prints out communications and sends them to

the prison. That move was made in 2018 following security concerns after an overdose at the prison.

Smart Communications, in its lawsuit, said that it initiated negotiations with former warden Doll after it became aware that the current contract with GTL was on the verge of expiring.

**READ MORE:** Prison warden tapped to be executive director of York County's human services

"Thanks again for taking the time to stop by and provide the presentation; especially, during such a pandemic," Doll said in an email in September 2020 after a presentation of Smart Communications' capabilities provided by the company. "You impressed Shawn [Rohrbaugh] and Adam [Ogle] and, as a result, I am going to start reaching out to other facility administrators as references."

Smart Communications claimed its contract would provide an increased commission to York County Prison, a lower rate for prisoners and additional services to the county at no extra cost.

GTL began to intervene in the midst of the negotiations, Smart Communications alleges. Around that time, GTL's legal firm, Sterne Kessler, emailed Smart CEO Jonathan Logan that GTL had reviewed Smart Communications' patents and that they might infringe on GTL patents.

"While the letter should not have been sent to a non-attorney, it does not take a law degree to understand the explicit threat in Mr. Specht's letter: drop the Patent Litigation or GTL and Sterne Kessler will tie up SC in numerous legal challenges on several, unrelated fronts, with a tremendous burden of corresponding legal fees," the lawsuit said.

**READ MORE:** Interim York County Prison warden named permanent warden

According to the lawsuit filed by Smart Communications, Sterne Kessler then allegedly went to York County Prison to give a presentation that contained multiple false and defamatory statements about Smart Communications' viability as a company. That included alleging that GTL would sue Smart Communications and obtain an injunction preventing Smart from fulfilling its proposed contract.

Smart Communications contends in its lawsuit that it — and not GTL — "would have been the winning bidder but for the anticompetitive and tortious conduct of Defendants."

In addition, Smart Communications accused York County of interfering with the judge who had been assigned to the patent infringement case, Judge Christopher Conner.

Smart Communications alleged York County had retained local law firm Mette, Evans and Woodside in order to get Conner to recuse himself from the case. Conner had recused himself from a previous case involving the firm. The complaint alleges that York County, knowing that, hired MEW to force Conner to recuse himself, transferring the case to another judge and delaying an important hearing.

**READ MORE:** York County to settle with opioid manufacturer

None of the participants in the events would comment on the allegations. Conner did not return a request for comment.

The patent case is now in front of Judge Jennifer Wilson. A hearing has been set for May 5.

*Reach Matt Enright via email at [menright@yorkdispatch.com](mailto:menright@yorkdispatch.com) or via Twitter at [@Matthew\\_Enright](https://twitter.com/Matthew_Enright). Please consider subscribing to support local journalism.*