

BB-31
Finance

December 11, 2025

Chair Johnson, Vice-Chair Taylor, and Members of the Milwaukee County Board Committee on Finance:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide comments in opposition to File #25-731- Amendment #3 to the Incarcerated People's Communication Services (IPCS) Agreement with Inmate Calling Solutions, LLC d/b/a ICSolutions (ICS) to include offsite mail scanning services.

This resolution notes that a contract was entered into with ICSolutions in March 2022 to provide communications and tablet services to people incarcerated at the Milwaukee County Jail and Community Reintegration Center, and the agreement includes an option for Milwaukee County to "activate mail scanning services" through a future amendment. The CRC is seeking an amendment to the IPCS agreement to provide "offsite digital mail scanning, legal mail verification, encryption, and digital document delivery services" for people in CRC's care effective January 1, 2026 that would run through March 28, 2028.

While documents attached to the file provide little insight into the full details and scope of this contract amendment, if this proposal mirrors recent contracts prisons and jails have recently entered with for-profit companies to scan and deliver mail to incarcerated residents,¹ the ACLU of Wisconsin strongly urges this this committee to oppose signing off on this item.

Despite broad claims about preventing contraband and increasing safety, the data often does not support these claims. Private companies that dominate the prison technology industry stand to benefit immensely by bundling communications services together (calls, tablets, mail scanning). **The Dane County Jail pitched a mail scanning contract over the summer that received overwhelming pushback from the community.² In September, the Dane County Board ultimately voted to reject a proposed three-year contract by a vote of 31-5.³**

¹ "Mail scanning: A harsh and exploitative new trend in prisons," Prison Policy Initiative (Nov. 2022), <https://www.prisonpolicy.org/blog/2022/11/17/mail-scanning/>.

² See Push to ban physical mail at the Dane County Jail draws fire," Cap Times (June 27, 2025), https://captimes.com/news/government/push-to-ban-physical-mail-at-the-dane-county-jail-draws-fire/article_b80da8b8-4be5-4a08-8b86-f2e608555479.html;

"The Dane County Jail scrambles to back up its case for eliminating paper mail," Tone Madison (July 14, 2025), <https://tonemadison.com/articles/dane-county-jail-scrambles-to-back-up-its-case-for-eliminating-paper-mail/>;

"Propaganda hoedown: How the Dane County Sheriff tried to sell the Smart Communications contract," Tone Madison (Sept. 15, 2025), <https://tonemadison.com/articles/propaganda-hoedown-how-the-dane-county-sheriff-tried-to-sell-the-smart-communications-contract/>;

³ "County Board rebukes sheriff's proposed jail communications contract," Cap Times (Sept. 19, 2025), https://captimes.com/news/government/county-board-rebukes-sheriff-s-proposed-jail-communications-contract/article_eb50fda4-edf7-48c2-8691-9debd1b6edca.html.

Practically speaking, instead of sending mail directly to the CRC, **mail for residents must be sent to the TextBehind P.O. box in Phoenix, Maryland.**

In reviewing TextBehind promotional materials, website content, and similar mail scanning contracts for other carceral facilities across the country, several practices are cause for concern:

- TextBehind “is an off-site physical mail reception and processing location where all your regular family and friends' mail needs to be sent. TextBehind does not charge the sender any cost for processing physical letters on behalf of the correctional facility. However, we **encourage that if you prefer a more convenient, faster, and more affordable method of communicating with an inmate, you should sign up with the TextBehind website, or mobile apps to create your letters electronically.** That way, we will deliver your letters to the prisons much faster, and with a **greater degree of assurance.**”
- TextBehind encourages these **paid** forms of communication through their platforms while subtly noting the unreliability of their out-of-state physical mail processing services. Their website notes:
 - “We cannot address inquiries regarding missing physical mail that you may have sent correctly but it never made it to our production office for processing. Our system keeps a record of every letter we receive and process on your behalf.”
 - “Please note that after TextBehind processing, the original physical mail is shredded and cannot be recovered after 15 days of receipt. If you've sent any mail with important original documents or other articles with sentimental value, such as drawings and artwork, please notify us as soon as possible and request the original by mail. Shipping and service fees will apply.”
 - TextBehind's digital text messages have a limit of 5,000 characters, or about 750 words. E-cards have a limit of 1,500 characters, or about 225 words, plus one picture.
 - The pricing for TextBehind Digital Mail varies based on contractual obligations to the correctional facility, and other participating entities. In general, however, various component cost for a text message, a photo and video can be around \$0.50, \$0.25 and \$1.00 respectively.
- Using TextBehind, whether by sending mail to its P.O. Box or through its app, gives the company **permission to “copy, disclose, distribute, incorporate, and otherwise use such material...for any and all commercial or non-commercial purposes.”** Further, any person using the service surrenders copyright and other intellectual property rights in their material to TextBehind or their licensors.
- TextBehind's archival system allows law enforcement to **access scanned and electronically delivered mail dating back at least seven years, including archived mail for those who have been released.** According to documents published by another jurisdiction, TextBehind sold their “Inmate Mail Management” service as a method to gather intelligence. Their “Inmate Mail Management” presentation alerted jail officials to the possibility of lost intelligence containing “threats” if the jail did not archive mail for “future investigative purposes.”

The ACLU of Wisconsin is also significantly concerned about the implications of this contract for attorney-client privileged mail and other confidential communications. Similar mail scanning schemes across the country have resulted in lawsuits grounded in constitutional claims.

In addition to the exploitive fees, data privacy and surveillance concerns, and constitutional concerns about incarcerated people's access to legal mail under these mail scanning and delivery schemes, the human impact is profound. One year ago today, ACLU-WI's Coalition and Relations Advocate Melissa Ludin published an article describing the importance of receiving physical mail from loved ones while incarcerated.⁴ She wrote, in part:

In Wisconsin prisons, a new policy trend is replacing physical mail with photocopies. For those who haven't experienced incarceration, this change might seem minor - an administrative adjustment to improve security. But as someone who has lived through incarceration and experienced the profound impact of receiving physical mail, I can tell you that this shift robs incarcerated people of one of the few deeply human connections they have left.

During my time in prison, receiving physical letters from loved ones and friends was a lifeline. Holding a letter in my hands and knowing that it had been written, touched, and sent with care by someone who believed in me gave me a sense of connection that nothing else in that environment could provide.

Replacing this connection with sterile photocopies threatens to erase an essential aspect of what keeps people hopeful, motivated, and connected to the outside world.

During my time in prison, letters were my lifeline. The simple act of opening an envelope and feeling the paper within was deeply grounding. I could hold onto those letters, reread them when I felt lost, and remind myself that someone out there cared about me. The weight of the paper and the handwriting on the page carried the presence of the person who had sent it.

Physical mail was more than words on paper- it was a reminder that I hadn't been forgotten. Those letters gave me something to hold onto, literally and emotionally. They helped me stay hopeful in an environment designed to strip away my sense of self and, for me, being a woman.

When I imagine those same letters replaced by photocopies, I feel a deep sadness for those who are incarcerated now. The thought of receiving a copy instead of the real thing - of being handed a bland replica of what used to feel so personal - is heartbreaking.

Last December, the ACLU of Wisconsin sent out an annual holiday card that highlighted the dehumanizing nature of this mail scanning practice. Folks on our mailing list did not receive a physical card but instead opened up an envelope to find a piece of copied paper, printed on each side with black-and-white scans of the card (see image on following page).

⁴ "The Importance of Physical Mail for Incarcerated People in Wisconsin," ACLU-WI Blog (Dec. 9, 2024), <https://www.aclu-wi.org/news/importance-physical-mail-incarcerated-people-wisconsin/>.

Prior to making a sweeping change that locks in a multi-year contract for the CRC and presumably sets the stage for mail scanning at the Milwaukee County Jail, we urge this committee to *at least* hold this item for a future cycle to provide additional opportunity for the public—and other county agencies and services providers that will be directly impacted—to weigh in on this proposal.

