



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 24, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th St. S.W.
Washington DC 20554

Re: Comment for WC Docket 12-375

Dear Chairman Wheeler:

The Human Rights Defense Center (HRDC) respectfully submits this comment for WC Docket No. 12-375 for the purpose of placing into the record the following recent news articles concerning prison phone-related issues:

- “The high cost of a prison phone call from an Alabama prison,” by Casey Toner, www.al.com (June 21, 2015) (Attachment 1)
- “Phone calls now cheaper at WV prisons, but not jails,” by Erin Beck, www.wvgazette.com (June 21, 2015) (Attachment 2)

The Alabama article reports that two of the state’s largest ICS providers, Securus and Global Tel*Link, are currently in state court fighting a policy change implemented by the Alabama Public Service Commission that “will help poorer families keep in touch with their relatives in state prisons and county jails,” according to advocates. The lengths that ICS providers continue to go in both the regulatory arena and the courts to protect the massive profits they generate from prisoners and their families demonstrate the continued great need for ICS reform by the Commission.

The West Virginia article reports the terms of the West Virginia Division of Corrections' (WV DOC) new phone contract with ICSolutions/CenturyLink set to take effect later this summer, with a rate for all calls of \$.035/minute and a 0.1% commission. Once implemented, WV DOC prisoners and their families will pay the lowest prison phone rate in the nation. This is not only another example of the low costs that ICS providers can charge and still make a profit, but also more evidence of the link between lower rates and an effective elimination of the commission.

Thank you for your time and attention in this regard.

Sincerely,



Paul Wright
Executive Director, HRDC

Attachments

http://www.al.com/news/index.ssf/2015/06/the_high_cost_of_a_phone_call.html

The high cost of a phone call from an Alabama prison



Gov. Robert Bentley uses the phone at Julia Tutwiler Prison for Women during a visit. (file photo)

[Print Email](#)



By [Casey Toner | ctoner@al.com](#)

Email the author | [Follow on Twitter](#)

on June 21, 2015 at 10:00 AM

Diana Summerford spends about \$100 a month – or double some cell phone plans – to talk to her son Jimmy Childers.

An inmate at Decatur Work Release, Childers is serving time on a burglary charge.

"Yes, it is worth keeping in contact with him because he needs to know what's going on at home," said Summerford, of Warrior. "I need to know he's OK, especially in today's situation with him getting older..."



Diana Summerford

Beginning in July, Summerford and thousands of others statewide will pay a whole lot less. That's when a little known Alabama regulatory agency will cap the fees and cut the rates that private prison phone companies use to charge friends and families to talk to their loved ones behind bars.

But the providers are not giving up the profits from Alabama inmates so easily.

For years, these firms have exaggerated the cost of their services to authorities and padded phone bills with needless charges, according to the Alabama Public Service Commission. The firms also sold discounted calling cards to jail canteen operators, who resell them at full price, keep the profits, and deprive inmates and their families of the savings.

Advocates say the policy change – which two of the state's largest jail phone providers are fighting in state court – will help poorer families keep in touch with their relatives in state prisons and county jails.

"You and I have to be able to communicate on a daily basis to make our lives work, that's just something people have to do," said Carrie Wilkinson, director of Prison Phone Justice.

"If you are going to monetize communication for prisoners to the extent that they can't do it because they can't afford it, it will only make their chance for success a lot worse when they get out."

Prison contract

In Alabama, Louisiana-based telecommunications giant Century Link provides inmate phone services for all 28 prisons. It signed a three-year deal with the state in 2012, and contracts out the work through IC Solutions, which was unavailable for comment.

Renewed earlier this year, the contract stipulates that Century Link, which reported in February operating revenues of more than \$4.4 billion, must pay the state 57 cents per day per inmate for the opportunity to provide services.

Last year, the ADOC reported having 25,078 in-house inmates – a population that is greater than all but 20 cities in Alabama. Add it all up and the firm paid the state prison's system more than \$5 million last year.

In exchange for this cash, Century Link charges inmates a \$2.75 surcharge for every local call and a \$2.25 surcharge plus 30 cents per minute for every in-state call. Inmates also had to pay a \$3.95 surcharge plus 89 cents per minute for every out-of-state call until federal authorities intervened last year.

But the Federal Communications Commission issued an order that took effect last year that capped rates on out-of-state calls by prisoners. That order mandates that prison phone providers can't charge more than 21 cents a minute for prepaid calls and 25 cents a minute for traditional out-of-state collect calls.

Still, the firms are allowed to bulk charge \$3.15 and \$3.75 for the first 15-minutes of for all out-of-state prepaid and traditional collect phone calls, no matter if the inmate is on the phone for one minute or 15 minutes, according to the ruling.

That's what Century Link [charges](#) in Alabama.

In addition to all that, there is a \$4.75 transaction fee every time someone puts money on an inmate's prepaid collect account by phone or online.

But in less than two weeks, many of these fees will disappear. And rates will fall.

The Alabama Public Service Commission [ordered in December](#) that the per minute rate for in-state collect calls and prepaid calls will be 25 cents each starting July 1. That falls to 23 cents for prepaid calls starting on Jan. 8, 2016. Prepaid calls drop another two cents in January of 2017.

Perhaps most notably, there will no longer be a difference in charges for local and in-state calls.

"All traffic, local and toll, is similarly routed with little to no difference in provider costs for transport and termination," according to the commission. "Meanwhile, those using toll service pay a disproportionately higher rate for service that costs no more to provide."

For example, it currently costs an inmate at Julia Tutwiler Prison for Women in Wetumpka \$6.75 to make a 15-minute phone call to a family member in Mobile. Starting on July 1, that same phone call will cost \$3.75.

The order also caps fees on payments made at electronic onsite kiosks as well as online or through automated voicemail at \$3. That's \$5 less than what Securus, one of the state's leading phone providers for county jails, charges for the online and kiosk payments, and almost \$7 less than what Securus charges for the automated voicemail payments, according to the commission.

Payments made by telephone through a live operator will be capped at \$5.95 – \$4 less than what Securus charges, the commission states.

And reforms are not limited to phone fees. Providers that charge customers more than \$5.95 for Western Union/MoneyGram services must soon ask the state for permission to do so. Global Tel*Link currently charges \$10.95 and Securus charges \$11.95 for these services, according to the commission.

As of July 1, phone providers must also affix the face value to prepaid inmate calling cards before distributing the cards to a seller.

The commission alleges that the phone providers sold the cards to jail canteen operators at as low as 60 percent below face value. Meaning, the discounted cards would allow inmates to pay in-state rates of anywhere from 11 cents for local calls and 27 cents for out-of-state calls.

But the canteen operators in the county jails resold the cards to inmates at full value and kept the profit, according to the commission.

"Of course, the inmate sees no such economic benefit, paying the full per minute rate for the service," the commission [states](#).

Alabama Department of Corrections spokesman Bob Horton said that the prison canteens – operated by the state – do not sell phone cards to inmates. He referred all other questions about prison phone rates to the Alabama Public Service Commission.

Legal skirmishes

These new rates affect Century Link and all county jail phone providers except, for the moment, Securus and Global*Tel Link.

A Century Link spokeswoman issued a statement to AL.com that said that "inmate calling rates must ultimately reflect the need for overall consumer protection and privacy as well as affordable rates for inmates' families."

However, to stop the new rates from taking hold, Securus and Global*Tel Link are suing the Alabama Public Service Commission in Montgomery Circuit Court and the Alabama Supreme Court, which deferred the matter to the lower court.

Alabama Public Service Commission officials say the two firms are temporarily exempt from the order, but will have to pay back fees if their ruling is upheld. A Securus attorney declined to comment, citing pending litigation, and Global Tel*Link attorneys were unavailable for comment.

Century Link claimed in comments to the state's Alabama Public Service Commission that the average household spends \$24 a month on inmate communication.

But the commission estimated the costs to be in excess of costs at county jails, citing average monthly phone revenue costs to be \$55 at Shelby County Jail and between \$61 to \$65 at Escambia County Jail.

The commission's order notes that the high cost of making an in-state call versus a local call has led to people buying disposable cell phones with a local number to avoid the higher costs.

That's what one woman, who asked not to be named, told AL.com she did to secure the \$2.75 flat fee for all inmate local calls.

"If you called your mom once a week collect from prison, you will have no less than a \$25 dollar bill for 15 minutes," she said. "Every week, that's \$100 on a phone bill someone on a fixed income cannot afford."



Sunday, June 21, 2015

Phone calls now cheaper at WV prisons, but not jails

By [Erin Beck](#), Staff writer

CHARLESTON, W.Va. — A local prisoners' rights organization is calling on the West Virginia Regional Jail Authority to reduce what it says are exorbitant fees for inmate phone calls, now that the state Division of Corrections has done so.

The state Division of Corrections previously charged a 46 percent commission on each phone call, as well as various fees that resulted in 15-minute calls costing several dollars. The commission rate under the new contract, awarded to ICSolutions, or CenturyLink, is 0.1 percent.

“Isolation is one of the ways that prisons break people down,” Jonathan Sidney, a volunteer with Stories from South Central, the prisoners' rights group, said in a news release. “Making it cheaper for people doing time in West Virginia to stay in touch with friends and family improves their quality of life and make re-entry to the outside world easier.”

Under its previous contract with GTL, the Division of Corrections also charged various fees, depending on whether the call was in-state or out-of-state, and prepaid or collect. Under the new contract, which technically began in February but won't take effect in the prisons until later this summer, the new rate is 3.5 cents per minute for all calls.

A 15-minute call will cost about 53 cents, regardless of whether it is in-state or out-of-state and whether it's prepaid or collect. In comparison, under the previous contract, a 15-minute collect call out-of-state would have cost about \$8, while an in-state prepaid 15-minute call would have cost about \$3. Inmates paid surcharges of 85 cents for collect calls and 75 cents for prepaid calls, plus per-minute fees ranging from 16 cents per minute in-state to 50 cents for collect calls out-of-state.

Eric D. Ayers, a former inmate, told the Gazette that many inmates couldn't afford the rates.

“I think that's awesome,” he said. “They should have done that a long time ago, so you can get in contact with your family.”

Ayers said that many inmates become depressed when they can't keep in touch with loved ones. While incarcerated for one year, he was unable to talk to his young children as often as he wanted because of the rates.

“If you've got kids and you can't talk to your kids, it just makes everything so much harder,” he said.

Stories from South Central, a volunteer-run group started after the January 2014 water crisis, sent a statement calling for the West Virginia Regional Jail Authority, which currently charges a 48 percent commission on inmate calls, to follow suit in an effort to reduce recidivism.

Asked whether the Regional Jail Authority may adopt a similar model, state Department of Military Affairs and Public Safety spokesman Lawrence Messina said the authority's current contract expires at the end of August.

"As always, RJA will bid out the contract in the hopes of securing the best deal for the regional jail system and inmates," he said.

He said the reason for the decrease was "a different vendor won the contract."

"I will add that [Corrections Commissioner Jim Rubenstein] was hoping for a vendor that would provide as reasonable a cost as possible to inmates because we do recognize the importance of family, friends and community," he said.

Stories from South Central referred to commissions the state receives as "kickbacks" in the release. "The end of the kickback means the end of a back-door tax on communities with the highest rates of incarceration: low-income and communities of color," the release said.

Messina said the term "kickback" is "pejorative and inaccurate."

"Under the previous contracts, commissions provided revenue solely for the Inmate Benefit Fund," he said. "This fund helps pay for amenities not required by law. The fund helps to pay for cable TV, for instance."

Messina said Thursday that due to staff vacations he could not currently provide the amounts the Division of Corrections and the Regional Jail Authority received from the commissions.

According to the nonprofit Human Rights Defense Center's Prison Phone Justice project, the West Virginia Division of Corrections received more than \$900,000 from the commissions each year from 2009 to 2012. Carrie Wilkinson, Prison Phone Justice director, provided emails between her organization and a state official substantiating the numbers.

Stories from South Central also expressed concern about how the Division of Corrections might try to replace the loss of commissions.

Messina said there are still other sources of revenue for the Inmate Benefit Fund, such as money from the prison commissaries, or stores, and that the loss of revenue in exchange for cheaper phone calls is a "trade-off."

"It wasn't benefiting the division," he said. "It was benefiting the inmates. The reduced rate is a benefit, but there's a trade-off."

Reach Erin Beck at erin.beck@wvgazette.com, 304-348-5163 or follow @erinbeckwv on Twitter.

- See more at:

<http://www.wvgazette.com/article/20150621/GZ01/150629867#sthash.UHI7tSrR.dpuf>