



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

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October 8, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: *Ex Parte* Comment for CC Docket No. 96-128 (“Wright Petition”)

Dear Secretary Dortch:

I serve as associate director of the Human Rights Defense Center (HRDC), a non-profit organization dedicated to protecting the rights of people who are incarcerated, and associate editor of *Prison Legal News*, an HRDC publication. This letter is submitted as an *ex parte* comment for CC Docket No. 96-128, commonly known as the “Wright Petition.”

Specifically, this correspondence is in response to *ex parte* presentations submitted by Global Tel*Link (GTL) through its counsel on October 3, 2012 that summarize GTL’s discussions with Commissioner Pai and Wireline Legal Advisor Nicholas Degani, and with Victoria Goldberg, Nick Alexander, Pamela Arluk and Lynne Engledow of the Wireline Competition Bureau, and Marcus Maher and Raelynn Remy of the Office of General Counsel.

In its *ex parte* presentations, GTL summarized a number of points relative to its positions on issues concerning the prison phone industry, which is the subject of the Wright Petition. This correspondence is to respond to GTL’s comments as set forth below:

GTL: Correctional facilities mandate individually-tailored service offerings to address unique security concerns ... the correctional facility is customer of record and determines how services are to be offered and associated pricing.

When GTL offers commission kickbacks of up to 61.5% to their customers – primarily state corrections agencies – that tends to influence how their customers determine their priorities in terms of prison phone services and rates. In short, GTL’s customers do not make such decisions

in a vacuum, and GTL's business practices, including its provision of commission kickbacks, directly influence the decisions made by its customers. Absent such kickbacks, state officials would not have an incentive to base RFPs or prison phone contracting decisions on the amount of kickback revenue they can obtain rather than the lowest rates for consumers. Moreover, since GTL contracts its services on a monopoly basis the consumer is left with no choice in finding better or cheaper services; it is a captive market. Thus, the prison phone industry is intimately involved in how the prison phone market operates, including the demands of their customers with respect to prison phone services and pricing. As described in a comprehensive *Prison Legal News* cover story on the prison phone industry published in April 2011 (and submitted to the FCC in an *ex parte* comment on April 25, 2011), it is apparent that state officials have issued RFPs and made contract decisions vis-à-vis prison phone services based on the amount of commission kickbacks offered by companies such as GTL.

GTL: Inmate calling requires specialized billing and collection to address security concerns.

GTL and other prison phone service providers frequently cite the high cost of security measures for prison phone systems as justification for the high phone rates charged to prisoners and their families (i.e., the rates are high because security measures are expensive). In fact, prison phone companies can provide very low rates while still including such "costly" security measures. For example, in New York, which has banned kickbacks, the phone rates are low (\$.048/minute for local, intrastate and interstate calls), even though the security measures required in prison phone systems are still included.

In a June 16, 2011 *ex parte* comment filed with the FCC, we noted that the Michigan Department of Corrections (MDOC) had entered into a phone service contract with Public Communications Services, Inc. (PCS), which is owned by GTL. The prison phone rates in Michigan were initially \$.0393/minute for collect calls and \$.0343/minute for debit calls regardless of whether the calls were local, intrastate or interstate. The MDOC later added optional features to its prison phone system that increased the rates to \$.18 to \$.23 per minute. Again, PCS / GTL is able to provide phone services to the MDOC with all required security measures, while charging such relatively low rates. Even in Texas, which permits kickbacks, prison phone rates are fairly low at \$.234 to \$.43 per minute with all required security measures included.

This is evidence that GTL and other prison phone companies can in fact provide prison phone service at reasonable rates inclusive of necessary security measures to address security concerns. With respect to "operator-assisted" calls, which GTL apparently contends are more expensive, while such calls may be "considered" operator-assisted, that is a fiction as the calls are in fact completely automated and no operator is involved despite the nomenclature used.

GTL: Inmate calling services are payphone services not presubscribed long distance services.

When arguing that the "payphone" services available to prisoners are not equivalent to phone services outside of prison, that is correct – because the monopolistic contracts between state officials and prison phone companies preclude any other choice by consumers (e.g., prisoners

and their family members). It is counterintuitive for GTL to argue that prison “payphone” services are special and different, when prisoners and their families have no other choice but to use those services, which are exclusively provided by GTL and other prison phone companies on a monopoly contract basis. If there were actual competition in the industry then prison phone services may be more comparable to phone services outside of the prison context, unlike the captive market that currently exists. Prison phone companies such as GTL have in fact created the very market which they claim is special and different from outside phone services, then cite that self-created difference as justification for a hands-off approach by the FCC.

GTL: Inmate calling rates are based on different pricing rationales than rates for other payphone services.

GTL is correct. Prison phone rates are based on a pricing rationale that maximizes revenue for both the phone companies and the government agencies they contract with through the payment of commission kickbacks, to the detriment of the consumer. While that is certainly “different,” it is certainly not “better” from the perspective of the consumer. Note that commission kickbacks constitute revenue over and above the cost of providing phone services and profit for prison phone companies, as the commission money comes off the top of revenue generated from prison phone calls. If the kickbacks were eliminated, prison phone companies could provide the same service and generate the same profit as they do now, while charging lower rates as a result of not having to pay commission kickbacks to the contracting government agency. In no other market does the commission kickback arrangement exist – nor does it need to exist in the prison phone market, as demonstrated by the 8 states that do not accept commissions.

GTL: The FCC has appropriately rejected previous calls for federal intervention in inmate calling rates.

The FCC needs to act now precisely because it has not acted in the past, in order to ensure competition in the prison phone industry and assure reasonable rates for consumers who accept phone calls from prisoners. Since the time that the FCC previously rejected calls for federal intervention, a large body of data and evidence has emerged regarding the nature of the prison phone industry and its negative impact on consumers; for example, the April 2011 *Prison Legal News* cover story previously submitted to the FCC as an *ex parte* comment on April 25, 2011, and “The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry,” a report issued by the Prison Policy Initiative in September 2012.

Additionally, the prison phone issue has received a great deal of public attention in recent years, with a consensus that remedial action, including by the FCC, is necessary to address excessively high prison phone rates. See the attached articles for recent examples of media coverage of this issue. Such public attention, research and statistical data concerning the prison phone industry is an impetus for the FCC to take action where it previously has not done so.

GTL: Regulation of inmate calling rates poses jurisdictional considerations.

GTL is correct in noting that the FCC does not have jurisdiction over local and intrastate phone services or rates. But the FCC does have jurisdiction over interstate prison phone rates, and those are the rates it can and should regulate – particularly because interstate rates tend to be the most expensive, often costing prisoners and their families over \$1.00 per minute. Since the FCC has jurisdiction over interstate rates it should exercise that jurisdiction, as that is its responsibility and mandate, on behalf of millions of affected consumers who receive prison phone calls.

GTL: Reducing inmate calling rates would not eliminate problems with contraband cell phones.

This argument is a herring with a decidedly reddish hue. Prison phone rates should be reduced because they are unfair, exploitive and based on a monopolistic model, and because prison phone contracts are often granted based on the largest commission kickback, not the lowest cost to the consumer. The argument for reducing prison phone rates is separate and distinct from any impact lower rates may or may not have on contraband cell phones. Lowering prison phone rates is a matter of economic justice and fairness for consumers, not an argument for or against reducing the number of contraband cell phones in prisons, though that may be an added benefit.

GTL: The primary driver for reducing recidivism is prisoner access to programs.

While rehabilitative programs for prisoners certainly help to reduce recidivism rates, numerous studies also indicate that maintaining family contact while incarcerated has a strong correlation with prisoners' post-release success – and thus decreased recidivism. This includes contact with family members via phone calls, which often are the primary means of communication between prisoners and their families. Many prisoners are housed far from their homes, and their families cannot visit often due to distance and cost; other prisoners are illiterate or functionally illiterate, thus letter-writing is not practical (see our *ex parte* comment submitted to the FCC on May 18, 2007). While access to rehabilitative programs is a positive factor in reducing recidivism, it is hard to judge precisely what causes reductions in reoffending – and family contact, including through phone calls, is a contributing factor. This is an argument for providing rehabilitative programs and reducing the cost of prison phone calls, as the two are not mutually exclusive.

GTL: Correctional facilities have recognized the significant benefit of commission payments to inmates, victims, and the public at large.

This begs the question of why prisoners' families should have to pay for programs and services that benefit "the public at large." By far, it is prisoners' family members who pay for prison phone calls, either by accepting collect calls or funding prisoners' debit or pre-paid accounts. Thus, most of the commission kickback money comes from prisoners' families. It is unfair to require those families to pay for programs and services that benefit all members of the public;

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such programs and services should be funded through general revenue funds. If the programs and services currently funded by prison phone commissions are useful and beneficial, then state and local officials will continue to fund them even absent kickback revenue. For example, the Virginia Department of Corrections uses prison phone commission money to fund the Victim Information Network (VINES). Without such revenue, the Virginia DOC would find other revenue sources to keep VINES running if it wants to continue that program. It is improper to argue that programs and services funded by prison phone kickbacks benefit everyone, but then require only prisoners' families to pay for such programs through inflated phone rates – which amounts to a regressive tax exclusively applied to consumers who receive prison phone calls.

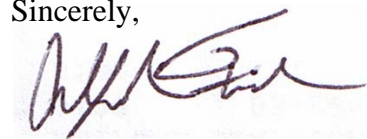
One last point that is conspicuously absent from GTL's *ex parte* presentations is the abuse and corruption in the prison phone industry, which has led to fines, refunds to consumers and even criminal charges, as detailed in our *ex parte* comments submitted to the FCC on September 22, 2008 and April 19, 2007. GTL has been guilty of overcharging consumers in the past, as have other prison phone service providers, and such abuses argue in favor of greater government regulation, including by the FCC, to ensure adequate protection of consumers.

In conclusion, the Human Rights Defense Center urges the FCC to act on the Wright Petition pursuant to the authority granted under 47 U.S.C. § 201(b), by establishing reasonable benchmark rates and by taking other appropriate actions to protect consumers against price-gouging and monopolistic practices by prison phone service providers, including GTL.

Such action by the FCC is necessary because free market forces have failed to ensure reasonable, competitive phone rates for the captive market that consists of prisoners and their families, to the detriment of both consumers who receive prison phone calls and the public at large.

Thank you for your time and attention in this important matter;

Sincerely,

A handwritten signature in dark ink, appearing to read "Alex Friedmann", written over a light blue circular stamp.

Alex Friedmann
Associate Director, HRDC

Attachments

ATTACHMENTS

**Articles on prison phone-related issues,
May 2012 – October 2012**

https://www.nytimes.com/2012/09/24/opinion/costly-phone-calls-for-state-inmates.html?_r=2&

New York Times

September 23, 2012

Costly Phone Calls for Inmates

Members of Congress and civil rights groups are pushing the Federal Communications Commission to rein in telephone companies that, in many states, charge inmates spectacularly high rates that can force their families to choose between keeping in touch with a relative behind bars and, in some cases, putting food on the table.

The time is long past for the F.C.C. — which has been weighing this issue for nearly a decade — to break up what amount to monopolies and ensure that prisoners across the country have access to reasonably priced interstate telephone service.

The calls are expensive because they are placed through independent telephone companies that pay the state a “commission” — essentially a legalized kickback — that ranges from 15 percent to 60 percent either as a portion of revenue, a fixed upfront fee or a combination of both. According to a new report by the Prison Policy Initiative, a research group based in Massachusetts, depending on the size of the kickback, a 15-minute call can cost the family as little as \$2.36 or as much as \$17.

Prison officials and phone companies that defend the system of commissions say that extra charges are necessary to pay for the security screening required when inmates make calls. But this presents no problem in New York State, which banned the kickbacks several years ago and required its prison telephone vendor to provide service at the lowest possible cost to the inmates and their families.

Service is similarly inexpensive and easily managed in federal prisons, which use a computer-controlled system that allows inmates to place monitored calls to a limited group of preregistered telephone numbers. The federal system, though affordable, also makes a profit.

Overcharging inmates is not just unfair but also counterproductive, because it discourages inmates from keeping in touch with a world where they will be expected to fit in. As Representative Henry Waxman, Democrat of California, and Representative Bobby Rush, Democrat of Illinois, noted in a recent letter to the F.C.C., the agency has danced around this issue for far too long.

<http://www.bloomberg.com/news/2012-10-04/prison-phones-prove-captive-market-for-private-equity.html>

Prison Phones Prove Captive Market for Private Equity

By Todd Shields - Oct 3, 2012 11:00 PM CT

U.S. prisoners pay as much as \$17 for a 15-minute call with their families in a jailhouse phone market dominated by two private equity-backed companies, and that cost now is drawing scrutiny from regulators.

Global Tel*Link Corp., Securus Technologies Inc. and smaller competitors in the \$1.2 billion inmate-phone industry bid for exclusive contracts to provide telephone service, agreeing to pay as much as two-thirds of calling charges to government or private prison operators. Those commissions can drive fees to levels that make it difficult for prisoners to maintain contact with spouses, children and parents.

“Hello, does anybody hear me out there?” David Wrobleski, serving a life sentence in a Michigan prison, wrote July 15 to U.S. Federal Communications Commission Chairman Julius Genachowski. “Over the years, I have lost most of my contact with my family and friends due to the increased cost of a telephone call from the prison setting. I come from a very poor family.”

In an online question-and-answer exchange last month, Genachowski, a Democrat, called prison phone rates a “serious issue for families, communities, security” and said the FCC is “preparing next steps.” He didn’t provide details.

A collection of civil rights, religious groups and members of Congress is pressing the FCC to act on a petition filed in 2003 by prisoners and family members to cut “exorbitant” rates. Representatives from the Leadership Conference on Civil and Human Rights, the United Church of Christ, the National Urban League and other organizations met with Genachowski in September and asked for a clear date for action.

Singapore Cheaper

“It is cheaper to call Singapore at 12 cents a minute from a cell phone than it would be to speak to someone in prison in this country,” a group of 30 organizations and individuals said in a May 18 filing asking the FCC to cap interstate rates. The current system, they said, provides “every incentive to choose bids that maximize fees.”

Global Tel*Link, based in Mobile, Alabama, has about 50 percent of the correctional phone services market, followed by Securus with almost 30 percent, according to Standard & Poor’s.

Global Tel*Link directed questions to its owner, American Securities LLC, a Park Avenue private equity firm. Caroline Harris, a spokeswoman for American Securities, declined to comment. So did Michael Millican, a spokesman for New York-based Castle Harlan Inc., which owns Securus.

Commission Criticism

Prison phone charges vary by location. A 15-minute call through Global Tel*Link costs \$2.36 in Massachusetts and more than \$17 in Georgia, according to a study released Sept. 11 by the Prison Policy Initiative, an advocacy group in Easthampton, Massachusetts. In New York, where commissions aren't allowed, Global Tel*Link charges about 5 cents a minute, according to the study.

The commissions phone companies pay to prison operators "are the product of a public policy decision made by correctional authorities, and in some cases state legislatures," which may use their share of phone fees to fund prison operations and inmate welfare funds, Dallas-based Securus said in a filing with the FCC.

Prison calls cost more than residential telephone service for reasons that include security requirements and bad debts, according to Securus, which said in a filing that it has about 1,400 contracts in 46 states.

Extra Security

Prison calling services include security capabilities such as preventing call-forwarding and conference calls, and caller identification based on voice analysis, Global Tel*Link said in an Oct. 3 filing at the FCC. Chief Executive Officer Brian Oliver discussed inmate calling in a meeting with Commissioner Ajit Pai, a member of the agency's Republican minority, according to the filing.

Prisoners make collect calls or set up prepaid accounts funded by relatives or by their earnings from prison jobs that pay cents per hour. Service providers may collect per-call fees in addition to time-based charges, according to the Prison Policy Initiative.

Forty-two states got commissions from phone companies in 2008, averaging 42 percent of the charges and reaching as much as 66 percent, according to a July filing by groups asking the FCC to set a benchmark rate of 20 cents or 25 cents a minute.

Until recently, charges from Global Tel*Link ran about \$100 a month for Tom and Dora Pickles, 79-year-old retirees in Wake Forest, North Carolina. Their son, Scott, is serving a life sentence in Connecticut after killing his wife and two children.

"We have counted that as an expense that was just there -- we didn't care what it was, were going to live with it, and pay it," Dora Pickles said in a telephone interview.

Reducing Recidivism

After Connecticut rebid the contract and switched providers this year to Securus, charges dropped to less than \$4 from about \$13 for 15 minutes, the longest call allowed, Tom Pickles said.

"It certainly was a big break when it changed," he said. "And by the way, that's the quickest 15 minutes of the week."

Connecticut reduced long-distance calling rates for most of its 16,000 inmates in 15 institutions, Brian Garnett, a spokesman for the Connecticut Department of Correction, said in an interview. "We are very cognizant of the strain that phone rates can place on family support of an inmate," he said.

Keeping prisoners in contact with family reduces repeat incarcerations, Nancy La Vigne, director of the Justice Policy Center at the Urban Institute in Washington, told Congress in a May 2010 hearing. Contact while in prison reinforces ties between fathers and children, giving prisoners a greater stake in good behavior, La Vigne said.

Private Equity

Global Tel*Link was bought in December by its management and American Securities, a private-equity firm with investments that include Oreck Corp., a vacuum-cleaner maker, and the Potbelly Sandwich Works restaurant chain. Terms weren't disclosed for the acquisition from Veritas Capital and GS Direct LLC, the Goldman Sachs Group Inc. (GS) investing unit.

Castle Harlan acquired Securus from HIG Capital LLC in May 2011 for \$450 million, according to a video posted on Castle Harlan's website. Securus was headed toward \$80 million of earnings before interest, taxes, depreciation and amortization in 2012, up from \$62 million at the time of the purchase, William Pruellage, co-president of Castle Harlan, said on the video.

Corrections Corp. of America, the largest private prison operator, said in a regulatory filing that an FCC decision to bar commissions would have a material adverse effect on its results. The company gets commission revenue "in some instances," though not all, Steve Owen, a spokesman for the Nashville, Tennessee-based company, said in an interview.

Call Monitoring

Eight states, including New Mexico, have banned prison phone commissions and as a result the cost of calls in those states has dropped, the New Mexico Public Regulation Commission, which oversees phone services, said in a resolution adopted Sept. 25.

The National Sheriff's Association told the FCC in a 2008 filing that capping rates for interstate calls would "seriously hamper the ability of sheriffs to effectively manage our nation's jails." Inmate charges help cover the cost of monitoring calls, Fred Wilson, a spokesman for the Alexandria, Virginia-based group, said in an interview.

If commissions are cut, localities could face a choice on whether to have taxpayers make up the difference, Wilson said. "Is that still going to get picked up, or is that program going to go away?" he said.

Money from commissions goes toward programs such as recreational and library supplies in Massachusetts, maintenance of county jails in Arkansas, and a victim compensation fund in Texas, Global Tel*Link said in its Oct. 3 filing.

'National Priority'

Mignon Clyburn, a Democrat on the five-member FCC, supports limiting fees. "Connecting husbands to wives, parents to children, and grandparents to grandchildren should be a national priority," she said in a statement.

Democratic Representatives Bobby Rush of Illinois and Henry Waxman of California urged the FCC Sept. 12 to act "as soon as possible" on the petition from 2003.

"It shouldn't take the FCC one more decade to ensure that prison phone services are priced in line with their true costs and made more affordable," Rush said in an e-mailed release.

FCC could cut inmates' phone rates

By BROOKS BOLIEK | 9/24/12 5:23 PM EDT

It might cost less for federal prisoners to call grandma, if a government panel makes calls cheaper for inmates.

FCC Chairman Julius Genachowski is under pressure to enact a new rule that would lower the price of prison calls — which can start at \$3 to \$4 just to connect and 89 cents a minute after that.

“It is my hope that soon the chairman will propose a rulemaking for a vote by the full commission that will lead to lower interstate long-distance rates for incarcerated individuals and their families,” Democratic Commissioner Mignon Clyburn said in a release Monday.

Clyburn said families could spend \$34 over and above their basic monthly phone rate to speak twice a month for a total of 30 minutes.

The push started when Martha Wright filed a petition at the FCC in 2003 after her grandson, Ulandis Forte, was sent to prison. Wright, who is in her eighties, had difficulty visiting her grandson as he was moved from prison, and since she is blind, writing a letter wasn't an option.

Clyburn attended a screening of the film "Middle of Nowhere," which chronicles the story of characters Ruby Sexton and her husband, Derek, after he is sentenced to eight years in a California prison. The Ava DuVernay-written and -directed movie won the 2012 Sundance Film Festival Award for Directing.

Wright, Forte and another petitioner, Jackie Lucas, a former prisoner, were among the audience for the movie's screening.

“For me as a commissioner and as an official, it just reminded me of our mission,” Clyburn told POLITICO. “Mrs. Wright was there, and so was her grandson, and after the engagement tears were rolling down her face.”

Clyburn dismissed the notion that the nation should turn their backs on the incarcerated just because they are in prison.

“The FCC has jurisdiction when it comes to interstate service,” she said. “Congress required this agency to ensure that rates are just and reasonable. It requires the commission to ensure that all Americans have access to affordable phone service.”

The saga of what is known as the “Wright petition” is a moving one in itself, Clyburn said.

“She never gave up on her grandson and always knew that to keep her family together, communications was key,” Clyburn said. “I think about the Mrs. Martha Wrights of the world and their families. These are not rich families that can afford an \$18 phone call for a few minutes. That is why I was so moved by the movie. That is why I'm committed to moving this petition.”

This article first appeared on POLITICO Pro at 4:01 p.m. on September 24, 2012.

CORRECTION: An earlier version of this story incorrectly described the genre of the film "Middle of Nowhere."

Clyburn pushes FCC to cut prison phone rates

By Brendan Sasso - 09/24/12 05:47 PM ET

Mignon Clyburn, a commissioner on the Federal Communications Commission, urged Chairman Julius Genachowski on Monday to cut the rates that prisoners pay to talk on the phone with their friends and family.

She said the commission has a responsibility to ensure that phone rates are just and reasonable.

"Incarcerated individuals and their loved ones should not be the exceptions here, and as watchdogs of the public interest, this commission must and should act expeditiously," she said in a statement.

A coalition of civil liberties and public interest groups launched a petition earlier this year, urging the FCC to prevent prisons from charging "predatory" phone rates.

Clyburn said that Genachowski, who controls the commission's agenda, has been "receptive" to the petition.

"My discussions with him and his office have been very positive about the next steps needed to move forward in this proceeding," she said, adding that she hopes the chairman will propose a rule-making on the issue soon.

The petition claims that the current prison phone system encourages exorbitant rates.

Many prisons request bids from telephone companies to provide service and require each bid to include a fee to the prison. There is little incentive for the prison to keep the charges low. Inmates and their families have only one option for which service to use.

Clyburn said families can spend \$34 or more for two 30-minute phone calls in one month. She noted that many low-income families cannot afford that cost on top of their regular phone bills.

"Connecting husbands to wives, parents to children, and grandparents to grandchildren should be a national priority because these tangible means of communicating not only will help these families keep in contact, but the general society benefits overall, as studies show that prisoners are less likely to re-offend if they are able to maintain these relationships with their loved ones," she said.

The Criminal Cost of Talking to a Loved One Behind Bars

by Leticia Miranda

Monday, May 14 2012, 9:00 AM EST

When Martha Wright's grandson was moved to a prison outside of her hometown of Washington, DC., she didn't expect that a short 5-minute conversation with him could cost up to \$18.

"You just have to get everything out in one line," she laughs.

For Wright, phone calls and writing letters are the primary ways she can stay in touch with her grandson, Ulandis Forte, who has been in prison for nearly 20 years. Forte was 19-years old when he was charged with murder in a Washington, DC court. According to Wright, he was home from school on break when a birthday brawl took a turn for the worse and another boy wound up dead. "He did the time," says Wright. "I told him he has to go forward and repent for that."

Now 38-years old, Forte is set to be released on parole this August. In the two decades since he's been imprisoned, Wright has been among the only constants in her grandson's life. His mother died in 2006 and his father is paralyzed from a basketball accident. She's 86-years old, retired, blind and has "all kinds of illness," she says. When she was in better health, Wright would visit her grandson in prison. She traveled to see him after he was transferred from a DC-owned prison in Virginia to one in New Mexico, and then bounced around from Arizona to Ohio. He's now housed at the Allenwood Correctional Facility in White Deer, Pennsylvania.

She's too fragile to make the four hour trip to visit her grandson in person, so she's only able to manage the trip twice a year. Between visits, they talk for about five minutes twice a week. But that contact comes at a steep price.

"It's terribly expensive," she says. "It's awful." In 2000, Wright, along with other families of prisoners, filed a class-action lawsuit against Corrections Corporation of America seeking federal action to get relief from what they considered exorbitant phone call charges. In 2007, after the case failed to end in a settlement, the petitioners filed another proposal that would put a limit on how much companies could charge prisoners and their families for phone calls, and eliminate costly connection fees. The Federal Communications Commission has yet to make a ruling on the proposal.

On Mother's Day, a campaign launched by a trio of media justice and prison reform groups aims to force the FCC's hand in the matter. The Center for Media Justice, along with Prison Legal News and Working Narratives, are leading an effort to get prison phone rates onto the FCC's legislative to-do list. Last week, the groups encouraged supporters to submit stories about their hardships communicating with loved ones in prison to then be turned over to the Commission in hopes that it will finally move toward regulating the private companies that oversee prison phone calls.

For the activists who are involved, it's an issue that falls clearly along racial lines. About 35 percent of prisoners are Latino and 37 percent are Black, according to March statistics from the Bureau of Prisoners. And many of them are poor. About 88 percent of people awaiting trial or serving time in jail had no income or made less than \$1,200 a month, according to Bureau of Justice. While incarcerated, prisoners make only cents an hour. Because Forte doesn't have a livable income, Wright sends him \$275 to help him out with basic expenses.

"Communities of color are most directly impacted by the high cost of prison phone calls," says Steven Renderos, national organizer with the Center for Media Justice. "What's at stake is not just the price of a phone call, it's the health and well being of our families and loved ones struggling to stay connected."

Prisoners can usually call home in two ways: they can call collect or use a debit card issued by the prison. Debit cards are usually the cheaper options, but they're not available in all states and still costly. In March, Wright's grandson didn't have enough money on his card for their usual phone calls, so they only spoke about three minutes one week, she says. That call cost \$18, including taxes.

"He buys so many minutes and when his minutes run out, they cut off on you," says Wright.

The "they" in this case is Global Tel*Link, a private Alabama-based phone company contracted with Pennsylvania to provide prison phone services. Last year the company acquired three of its competitors and now contracts with over half of state prisons to provide phone services. In 2008, the company gave Pennsylvania over \$7 million in additional state revenue. Over \$82,000 of that revenue was generated by roughly 21,000 interstate calls like Forte's to his grandmother in Washington, DC. The practice is known widely as a "kickback", a percentage of the phone call profits collected by the state. The companies inflate the phone rates to cover the cost of the commission and still make a profit.

For years, states have contracted with private companies to provide telephone services through a typical bidding process administered through the state's Department of Corrections or, like in Pennsylvania, the Governor's Administration Office. In some states the public utilities commission approve of the final phone rates and commission. But in others like Maine, the Department of Corrections has no oversight from the commission, or any other agency on how it sets up the rates. Nationwide, only seven states and the District of Columbia have stopped accepting kickbacks - California, New Mexico, South Carolina, Nebraska, Michigan, Rhode Island and Missouri.

Because most state prisons are located far away from any metropolitan area, many prisoners pay long distance fees to stay in touch with family members and friends.

"Quite honestly I don't know anyone, middle class or not, who could afford the cost of these calls," says Nick Szuberla, a media artist with Working Narratives, a national multi-media social justice organization. "It's not even just because people are low-income. I don't think anyone could afford these calls."

Pennsylvania's Department of Corrections told Colorlines.com that the kickbacks are placed in their Inmate General Welfare Fund which is used to purchase items like weight lifting equipment, sports equipment, satellite radio, religious supplies and visiting room supplies. Before New York ended kickbacks in 2007, the Department of Corrections used the revenue to provide health services for prisoners living with HIV/AIDS. But health services are something that prisons are required to provide by law, and that fact was hammered home by activists in

New York who led a successful campaign to end kickbacks and reduce prison phone rates back in 2007.

In order for inmates to successfully re-integrate into society, it's crucial for them to maintain ties to their families while incarcerated, say advocates. A 2005 report by the Anne E. Casey Foundation found that prisoners' first and last resort for housing and support are their families. When prisoners maintain contact with family during their incarceration, they're also less likely to return to prison, according to a report from the Urban Institute's Justice Policy Center.

"A vast majority of those people are going to come back to the community," said Deborah Golden, an attorney with the D.C. Prisoners' Project at the Washington Lawyers' Committee and counsel on the Wright case. "Every piece of research we have says that stronger family ties increase the odds that someone will have a successful reintegration."

Now, the focus on the FCC to finally act. But that's much easier said than done, according to some observers.

"Apparently, the biggest reason for the failure of the Commission to act in recent years is the lack of adequate interest and staffing," said Lee Petro, a volunteer attorney on the Wright case, in an email to Colorlines. "With the resolution of the other long-pending matters, the recent additions of two new Commissioners, and new technologies developed by the service providers that has decreased their costs of service, prompt action now will give relief to struggling families in these tough economic times."

Although the telecom industry is a strong influence in Washington, the campaign has already garnered the support of Commissioner Mignon Clyburn. In a recent speech at Catholic University, she asked the commission to review the languishing documents which "have significant implications for making phone service affordable for inmates and their families who are currently making unbelievable economic sacrifices in order to keep their families connected."

For Wright and her grandson, that connection has proved pivotal for nearly two decades.

"He wants to be a counselor [when he gets out]," Wright says of her grandson. "He wants to go around and help people in jail."

Leticia Miranda is a writer and researcher at New America Foundation's Open Technology Institute.

American Prospect

The First Call Is Free; the Rest Are a Fortune

Nancy Scola

October 1, 2012

Pressure mounts for prisons to improve their outdated and costly phone systems.

Paying a \$4.25 connection fee and then 75 cents per minute thereafter seems costly, unless, perhaps, we're talking about a phone call from our future Mars colony back to Earth. It is, though, what an operator at the phone company Global Tel*Link says it costs for a call from Pennsylvania's Carbon County Correctional Facility to anywhere beyond the local calling area. That's in line with the rates other companies charge for prisoners around the country to make simple long-distance phone calls. To compare, prepaid cell phones on the outside top out at about 20 cents a minute, and a standard residential landline plan at just half that.

If you find it difficult to rally sympathy for prisoners' hefty monthly phone bills, consider two things. First, we know that contact with the outside world while in prison is tied to better outcomes after prison. Second, those costs are generally borne by families and friends, either through collect charges or the refilling of debit accounts, what the Center for Constitutional Rights' Annette Dickerson calls "a transfer of punishment." More than a decade ago, a Washington, D.C., grandmother named Martha Wright protested the high cost of taking calls from her grandson, who had been relocated from Virginia's now-shuttered Lorton facility, a short Metrobus ride away, to Ohio, then New Mexico, and finally Arizona. A class-action suit followed. In 2001, the federal district judge on the case deferred to the Federal Communications Commission (FCC), and that's where the Wright petition has sat since.

A report released last week from Massachusetts's Prison Policy Initiative called *The Price to Call Home* dissects how a 20-minute call from Carbon County Correctional ends up costing 20 bucks. States sign exclusive prison contracts with phone companies, leaving few options for the support network of prisoners far from home who want to stay in contact without traveling long distances. It also means that while prisoners' outside contacts are responsible for paying for calls, the real customers are states and their prison systems. (It's one reason, perhaps, that prison chat boards are full of complaints about poor customer service and dropped calls.)

Meanwhile, those who benefit from the prison phone system have little interest in seeing calls cost less. In 42 U.S. states, you see, there's a commission—"kickback," as the report describes it—that is returned to the state as a portion of the revenue generated by inmate calls. Officials argue that those funds are needed to pay for things like family visits, rehabilitation programs, and the care of ailing prisoners. When New York state banned the practice five years ago, the commission stood at 57 percent. Authorities aren't eager to broadcast the details, but a request under Pennsylvania's right-to-know law found that for fiscal year 2007, inmate phone commission returned some \$7 million to the state.

There's a long history, of course, of the American prison population serving as a resource from which the powerful extract value. Inmate calling is a captive, lucrative market dominated by phone companies you've never heard of, like the aforementioned Global Tel*Link, Securus Technologies, and CenturyLink, all born after the forced breakup of AT&T in the mid-1980s. Those companies argue that this niche market is, as one Securus executive testified before

Congress in 2009, "special." For one thing, there's the matter of collecting on all those collect-call charges. For another, there are extra precautions needed so that the prison phone systems aren't used to harass witnesses, plot escapes, or generally engage in criminal activity.

Kickbacks aside, in many ways the problem is that we don't really know how "special" the prison phone environment is, and we have little proof that the economics of a decades-old prison model that began with actual pay phones (remember them?) and human operators are still valid. Today, there are prepaid calling plans that eliminate the need to float collect-call fees, software that can monitor human speech, and voice-over-Internet-protocol technologies (VOIP) capable of reducing costs; the tab on one 20-minute call to Carbon County Correctional in Pennsylvania equals the monthly bill on my home Vonage plan. Interestingly, we do see innovation at the margins, like startups that equip prisoners' family and friends with numbers local to the prison but that, thanks to the magic of the Internet and VOIP technology, ring through their long-distance phones, thereby avoiding long-distance fees.

The popularity of that little VOIP scheme is prompting the federal prison system, with its standard 23-cent long-distance rate and 6-cent local rate, to adapt. According to the Government Accountability Office, the Bureau of Prisons is considering a location-neutral rate, making up some of the difference with modest fees on its new secure e-mail system. At the state level, though, there seems to be little to encourage tapping new, efficient programs to benefit users.

Over at the FCC, the Wright Petition is asking the federal government to cap state prison long-distance rates at 25 cents a minute, which might spur questions about those much-higher state commission rates. Yet there's no rush at the FCC to tackle the prison-phone challenge. "You know the two or three things in the corner of your desk that you might get to if you get through with everything else?" says Lee Petro, Wright's counsel. "Martha Wright's petition has been sitting in that pile." The FCC isn't the world's fastest-moving agency, and proposals that look like aid to prisoners can have an inertia all their own. But it's not particularly good for anyone if, in the most efficiently connected age the world has ever known, artificially high costs keep prisoners cut off from the outside world.

The scandal of phone call price-gouging by prisons

Prisoners with strong family ties are much less likely to re-offend, but why let that get in the way of a tidy overcharging scam?

by Sathbh Walshe

Wednesday 23 May 2012 16.12 EDT

When a person is sent to prison, one of the most obvious and important ways to ensure a successful re-entry to society upon release is to maintain and strengthen familial bonds during incarceration. Most families are willing and eager to stay connected with their loved ones. Unfortunately, however, there are many barriers in place to prevent them from doing so, not least of which are the prohibitively expensive and sometimes downright exploitative costs.

One woman I spoke to (I'll call her Jennifer) described the difficulty of staying in touch with her brother, who has spent the past 10 years in prison.

"After 10 years, my brother was finally transferred to a location where it's only half a day's drive (550 miles) to visit. One has to make an appointment up to three weeks in advance to be able to visit; the hotel rates in the area are double anywhere else; and the emotional and financial costs to get there are great because families are made to share the cost of punishment in very literal ways."

Jennifer outlined some of those "very literal ways", such as the \$70-100 on gasoline per trip, the \$90 per person for a hotel room, the \$50-100 for food in the visiting room. Besides, she pays \$40 to maintain a landline she wouldn't otherwise have in order to be able to receive the one 3-5min collect call her brother is allotted each month, plus up to \$20 for the cost of the call itself. That comes to around \$400 for one five-hour visit and one five-minute phone call. Hardly what you'd call "meaningful contact". But it is nonetheless necessary.

At least in Jennifer's case, she and her husband are fortunate enough to be able to absorb these costs. That, however, is not the case for many families who cite similar experience. Most prisoners are housed in facilities located between 100 and 500 miles from their homes; some are housed more than 500 miles away. That makes regular contact visits impossible to many people – and means that phone contact is all the more crucial.

As always, when an aching void exists in the marketplace, there will be some opportunists only too willing to exploit it. In this case, the opportunists are the phone companies, of course (usually GTL, Securus, and Century Link – previously called Embarq), but also state governments, which have been helping themselves to generous "kickbacks" at the expense of inmates' families.

An exhaustive study carried out by Prison Legal News Magazine found that the vast majority of states use a commission system in which the phone company guarantees the contracting agency a percentage on every call. The average commission payment nationwide is 42% of the cost of the call, but in some states it can be as high as 60%.

That means that up to 60% of what families have to pay to receive a collect call from their imprisoned relative has nothing to do with the cost of the phone service. The same study also revealed that, in many instances, the phone company that guaranteed the highest commission payment was also the company most likely to get the prison contract.

This convenient arrangement came under the spotlight 12 years ago when Martha Wright, an elderly woman with a grandson in prison, filed a class action lawsuit, along with 28 other prisoner families, against the Corrections Corporation of America (CCA). The plaintiffs objected to the company's outrageous phone costs. Wright – who is 86 years-old – says she sometimes has to forgo her monthly medication to be able to afford the \$18-per-5-minute phone call costs.

The case, filed in 2000, has yet to be settled. It reached the Federal Communications Commission (FCC) in 2007, and has been languishing there ever since. About a month ago, the FCC commissioner, Mignon Clyburn, indicated her support for the petition (to make phone services affordable to inmate families). So far, though, no action has been taken.

In the meantime, phone companies are being encouraged by some state governments to pursue price-gouging practices in prisons that would not be tolerated in the free world. More damagingly, in doing so, they are putting another barrier in place to prevent prisoners from staying in touch with their loved ones.

Considering that numerous studies have found that prisoners with strong family bonds are much less likely to re-offend, you would think that local governments would be doing everything in their power to encourage familial contact. Instead, we have a situation where the people who are being made to pay for crimes are the ones most likely to be able to prevent them.

<http://www.takepart.com/article/2012/09/21/can-artistic-expression-win-over-fcc>

Will ‘Middle of Nowhere’ Convince the FCC to Do the Wright Thing on Prison Phone Rates?

FCC holds ‘unprecedented’ hearings and film screening to evaluate predatory price gouging.

By Matthew Fleischer

September 21, 2012

When Martha Wright’s grandson Ulandis Forte was convicted of murder in his native Washington, D.C., Martha vowed that, despite his transgression, she was going to do everything in her power to keep in touch with him and steer him on a path to redemption.

Blind and living on a small pension, Wright spoke to her grandson multiple times per week over the phone, and they exchanged letters whenever possible.

Then, suddenly, things changed.

After his conviction, Forte was sent—as all D.C. felons were at the time—to a municipal correctional facility one hour outside of the city in Lorton, Virginia: “A notorious hellhole” according to Deborah Golden, staff attorney for the D.C. Prisoners’ Project and a member of the Washington Lawyers’ Committee for Civil Rights and Urban Affairs.

The Lorton facility was so troubled in the late ’90s that prison officials began filtering inmates into federal penitentiaries across the country. Lorton was eventually closed.

Forte was among those inmates transferred to a series of facilities run by Corrections Corporation of America. First he went to New Mexico, then Arizona, then Ohio. The distance made visitation impossible for his grandmother, Martha Wright. Additionally, it only took one phone bill for Wright to realize that, not only could she not visit her grandson, she could barely afford to speak with him.

Through CCA’s privatized phone system, a five-minute call with her grandson could wind up costing upward of \$18.

“She had to scrimp and save to take his calls twice a week,” says Golden of the D.C. Prisoners’ Project. “She had to pick between medication and talking to him. Or her heat and talking to him. Or food. She was extraordinarily committed to being there for him.”

In 2000, Wright and several others fed up with being gouged on exorbitant private prison phone rates sued Corrections Corporation of America in federal court. The case, however, stalled when the judge claimed to lack the authority to determine what constituted gouging.

“The judge ruled she couldn’t rule until the FCC made a decision about what qualifies as fair phone rates,” Golden tells TakePart. The D.C. Prisoners’ Project is representing Wright in her lawsuit. “However, the FCC doesn’t have any timeline. You can petition them for a ruling, but there is nothing you can do to force them to act upon those petitions. Nothing has happened [in the Wright case] for 10 years.”

This coming Monday, that could change.

The FCC has agreed to hold an ex-parte hearing to consider the impact of high phone rates on the families of imprisoned individuals.

Along with live testimony from Wright and others with relatives inside prison walls, the FCC officials will view *Middle of Nowhere*, a feature film written and directed by Ava DuVernay about a woman's struggle to maintain her relationship with her incarcerated husband.

"To see an artistic representation of what it means to be cut off from your loved ones is very unprecedented," says Golden. "We are very hopeful this will spur action."

There is no guarantee the hearing will compel the FCC to take action. Nonetheless, the meeting is a sign of hope for relatives of the incarcerated, trying to keep their families together.

NYT Joins Wright Petition Plaintiff

Leaders urge the FCC to lower the cost of calls from prison

Sept. 24, 2012

Washington, DC- For nearly a decade, Mrs. Martha Wright has been waiting for the chance to tell the Federal Communications Commission (FCC) how the exorbitant cost of calls from prison has changed her life. Today, through an unusual partnership between 2012 Sundance Film Festival Award winner and filmmaker Ava DuVernay and the national Media Action Grassroots Network (MAG-Net)- Mrs. Wright got her chance.

"We filed the initial case on behalf of Ms. Wright and others in 2000, and filed the Wright petition with the FCC in 2003, with an amended petition in 2007," says Philip Fornaci, attorney for Martha Wright. "We are encouraged, in 2012, that the FCC is finally taking the time to listen to our clients and understand the human cost of their inaction. I hope this means that there will very soon be action on Martha Wright's petition. It's long overdue."

"By bringing together criminal justice reform and communication rights folks we are protecting vulnerable consumers and advancing human rights making our communities healthier and safer," adds Nick Szuberla, Director of Working Narratives, one of the organizations leading the Campaign for Prison Phone Justice.

Members of the FCC sat for an unprecedented advanced screening of DuVernay's soon-to-be released, "Middle of Nowhere", then heard testimony from previously incarcerated individuals, criminal justice advocates, civil rights leaders, and film industry professionals urging FCC staff to pass the Wright Petition. Named for elderly petitioner Martha Wright, the Wright Petition, also known as Docket 96-128, would cap the cost of inter-state calls from prison. "Middle of Nowhere" is a dynamic feature-length film that chronicles a woman's separation from her incarcerated husband and her struggles to keep her family connected.

"On behalf of the filmmakers and cast, we're honored that MIDDLE OF NOWHERE is being used as a tool to shed light on the loved ones of the incarcerated and the challenges they face in staying connected to their family members," says filmmaker Ava DuVernay. "We are proud to stand with this campaign to expose the issue, educate the unaware and push the FCC to remedy predatory phone rates that contribute to the deterioration of at-risk families and communities."

A recent poll of African-American and Latino communities found that an overwhelming 81 percent of African-Americans and 70 percent of Latinos believe it is unacceptable for calls from prison to be higher than those outside of prison. Still, telephone companies serving prisons charge as much as \$18 for a 15-minutes of talk time, three times the average rate for a regular inter-state phone call, according to a toolkit produced by the Campaign for Prison Phone Justice.

A related infographic illustrates how weak federal oversight allows phone companies to receive commissions or "kickbacks" for the sole right to monopolize service, except in the few states that have banned these commissions. This predatory practice forces "captive consumers" to choose between staying connected to incarcerated loved ones, or paying for groceries and other bills.

Civil rights leaders and policymakers from across the country, including Representatives Henry Waxman (CA) and Bobby Rush (IL), have sent letters to the FCC decrying these conditions, and pushing for action on the Petition. And on Friday, the FCC Consumer Advisory Committee (CAC), a committee set up to make recommendations to the Commission regarding consumer issues, passed a prison phone rates resolution.

“We’re excited to announce that the FCC took a huge step today, now we need them to go the rest of the way.” stated Andrea Quijada, Media Literacy Project Executive Director. “Members of MAG-Net who sit on the FCC Consumer Advisory Committee worked to successfully pass a resolution because we believe that no family should have to shoulder the burden of unfair and unreasonable phone charges just because they want to talk to a loved one who is incarcerated. Now we need the FCC to take action and level the playing field of phone rates.”

Commissioner Clyburn, in particular, has championed passage of the Wright Petition, which has been in front of the FCC since 2003.

<http://sfbayview.com/2012/groups-urge-congresswoman-lee-to-push-back-against-federal-prison-phone-kickbacks/>

Groups urge Congresswoman Lee to push back against federal prison phone kickbacks

September 7, 2012

by Brandi Collins

A family that has managed to stay close despite the high cost of prison phone calls is reunited on visiting day.

A delegation representing Bay Area organizations met with the deputy district director of Congresswoman Barbara Lee on Aug. 23 to discuss the high cost of receiving a phone call from a prison, jail or detention center. This visit was held as part of a larger effort called the Campaign for Prison Phone Justice, a national campaign seeking to lower the cost of prison phone calls. Member organizations of the delegation included the Center for Media Justice, Media Alliance, The Utility Reform Network (TURN) and Ella Baker Center. The delegation is petitioning the congresswoman to ask the Federal Communications Commission (FCC) to address the high cost of prison phone calls by passing the Wright Petition.

The Wright Petition, which has been in front of the commissioners since 2004, requests the agency to examine the public harm caused by high phone rates charged to people in prison. Currently, a typical interstate collect call from a prison has a \$3.95 connection fee – regardless of the length of the call – while rates can be as high as \$0.89 per minute. This can result in charges of \$10-\$17 for a 15-minute collect call or \$300 per month. Up to 60 percent of charges go towards kickbacks to states and corporations.

“The phone market in state prison systems is worth more than an estimated \$362 million annually in gross revenues,” says Tracy Rosenberg of Media Alliance. “Meanwhile, low-income families – disproportionately people of color and single mothers or grandmothers – have to choose between paying for medication, groceries and other necessities versus being able to take a call from their loved ones.”

The prison phone justice delegation, composed of Owen Li and Sandra Johnson of the Ella Baker Center, Tracy Rosenberg of Media Alliance and Mark Toney of TURN met with staff at Congresswoman Barbara Lee’s office Aug. 23.

Advocates say that the combination of institutionalized racism and a profits-before-people system criminalize the working poor and communities of color. In fact, communities of color are most directly impacted by the high cost of prison phone calls, as these communities represent a disproportionate percentage of the prison population. African Americans make up close to 40 percent of the prison population while Latinos make up over 20 percent. Currently, one in every 36 Latino men, one in every 25 Native American adults, and one in nine African American men aged 20-35 are incarcerated, creating what some have called a full scale prison epidemic.

Participants meeting with Congresswoman Lee’s staff talked about what’s at stake for the families and loved ones struggling to stay connected. Sandra Johnson from Ella Baker Center who works on the Books Not Bars campaign talked about her struggles as a mother in prison,

trying to take care of her family and look after her daughter. Currently, nearly 3 million children in the United States have one or both parents incarcerated, and one in nine African American children have an incarcerated parent. Studies show that for those children, hearing the voices of their parents can often make the difference between a child feeling loved – even while enduring incarceration – or feeling totally abandoned. Staying connected also increases the chances a person leaving prison will successfully reintegrate back into society.

“Low-income families – disproportionately people of color and single mothers or grandmothers – have to choose between paying for medication, groceries and other necessities versus being able to take a call from their loved ones.”

“Phone calls are a critical part of the reentry process,” says Steven Renderos from Center for Media Justice. “These calls ensure that incarcerated individuals are able to maintain the social networks, which they need to secure parole, find housing, secure employment, and prepare for life outside of prison and detention facilities.”

California currently is one of only eight states that have banned these kickbacks. Advocates say this makes the leadership and support of state legislators crucial to passing the Wright Petition. The lack of regulation on the federal level means that residents of California calling out of the state continue to shell out hundreds of dollars to stay connected to their loved ones in prisons and detention centers.

Hearing the voices of their parents can often make the difference between a child feeling loved – even while enduring incarceration – or feeling totally abandoned.

“People are sentenced to incarceration; families are not sentenced to outrageous phone bills. They shouldn’t have to choose between paying bills and talking to their son or mother,” adds Mark Toney of TURN.

The Campaign for Prison Phone Justice is a national effort challenging prison phone kickbacks and the U.S. prison telephone industry. The campaign is jointly led by Media Action Grassroots Network, Working Narratives and Prison Legal News.

Truth About Prison Phones

Posted: 09/05/2012 9:00 am

by Clarissa Ramon

There are roughly 2.7 million children with one or more parents in the incarceration system in the U.S. today. As a result of this, these children are more likely to experience poverty and unstable housing as a result of the lost income to their household. Apart from the financial toll that incarceration brings to families, comes the emotional impact that comes from being separated from a loved one. Childhood development and rehabilitation experts maintain that the regular contact between family members and their imprisoned loved ones is essential for the well being of everyone involved. Studies also show that regular communication between inmates and their support system can also help reduce the likelihood that they will return to prison.

Unfortunately, maintaining regular contact is challenging for many reasons. Many prisoners are sent out of state, making travel expensive and placing visitation out of reach for families struggling to make ends meet. Over half of inmates who are prisoners report never having received a visit from their children. Writing and reading a letter is not always an option for a young child. These factors place a heavy importance on phone calls as a means of communication for families.

As it stands today, the phone system within state prisons and immigration detention centers exploits one of the most vulnerable populations in the U.S. today. Over half of incarcerated men and 75 percent of women are fathers and mothers of one or more children under the age of 18. According to the National Resource Center on Children and Families of the Incarcerated, 90 percent of male offenders had an income below \$25,000, and 69 percent had an income below poverty level at the time of their arrest.

The high costs of phone calls to and from state prisons make it increasingly difficult for families and prisoners to maintain contact. These high costs are the result of a commission system, where state prisons negotiate a contract for services with prison phone companies. After a company is selected, a percentage of the profits, or commission, is then returned back to the state, creating as high as 65 percent gross revenue for the state prison administrators. There are currently eight states that have banned this practice, including New York, California, New Mexico, Rhode Island, South Carolina, Nebraska, Michigan and Missouri.

For states that continue to accept commissions, there is an incentive to select the prison phone contract that charges the highest phone rates, yielding the highest profits. Unlike long distance rates in the public, interstate phone rates within state prisons are currently not regulated by the Federal Communications Commission. Apart from the lack of regulation, there is also a lack of competition. Once a contract is awarded to a company through a bidding process, they become the sole gatekeeper between prisoners and the outside world. The rates that phone companies subject families and legal counsel to are decided within this bidding process and vary from state to state. These rates are astronomical in comparison to what families outside of the incarceration system pay for phone services.

It is often times cheaper for a person to call overseas than to call a loved one in prison. It can cost an average of \$18 for a 15-minute call to some states, leaving families with a monthly expense of over \$280 for just one hour of conversation a week. While debit call options are often slightly

less expensive, companies often include extra fees such as charging customers to add money into accounts or statement billing fees, making calls more expensive. Although collect calls are often higher, the low wages that are earned behind bars is not enough to cover the cost of calls. This system places the expense the shoulders of innocent families who cannot always afford to accept the charges.

People like Martha Wright, a grandmother of an inmate living in Washington, D.C. Wright is one of the few remaining family members of her grandson and his link to the outside world. Nearing her nineties, there have been times when Wright has to choose between paying for medical needs or groceries and speaking to her grandson. It was on her behalf that pro-bono counsel filed a petition with the FCC that calls for the FCC cap interstate phone rates between state prisons, essentially placing a limit on what companies can charge. This petition has been pending at the FCC since 2003, and has yet to be ruled on.

Sadly, Wright is not alone in her experience. Recently, the FCC has received hundreds of letters from prisoners and their families asking for action. These letters were a result of a call for stories from Prison Legal News and the Campaign for Prison Phone Justice. These heartbreaking letters include stories from prisoners of lost contact with family members and friends over time due to the inability to pay for calls. Mothers write about the difficulty of maintaining relationships with father figures in their children's lives. The letters and phone calls plead for FCC Chairman Genachowski to rule on the Wright Petition and provide relief for the families and friends of inmates.

These campaign efforts have recently been joined by Participant Media, a production company that will be releasing the Sundance Award winning Film "Middle of Nowhere" in theaters next month. The film tells the story of a woman struggling to maintain a relationship with her boyfriend serving an eight-year prison sentence. Filmmakers ask for that the public join in taking action and urging the FCC to rule on the Wright petition.

Aiding in this call to action is a coalition of Washington, D.C.-based civil rights, media reform groups and consumer advocacy organizations have come together to advocate for long overdue action on the Wright petition on behalf of families.

Reformed states have shown that it is possible for these state prisons to continue operating without accepting commissions from prison phone companies. States should no longer continue to place short-term profits over the long-term harms of burdening families with high costs. The time to end the exploitation of families is now. A child with a parent behind bars deserves to hear their voice.

Supporting the film and signing the petition is one of the many ways to get involved. You can also ask your representation in Congress to urge the FCC to take action, share your prison phone story with the Campaign for Prison Phone Justice, and encourage others to do the same.

http://articles.boston.com/2012-07-13/metro/32649245_1_global-tel-link-jails-and-prisons-high-phone-rates

Advocates, families fight jail phone fees

THIS STORY APPEARED IN
The Boston Globe

July 13, 2012 | Milton J. Valencia

“It’s a huge amount for any one of us to pay, just for a single phone call,” said Bonita Tenneriello, a staff lawyer with Prisoners’ Legal Services, an inmate advocacy group. “The families, they often don’t have a lot of resources, and for them it’s a real hardship.” Some calls can carry a surcharge as much as about \$3 before a conversation starts.

Now a team of inmate advocates, public defenders, prisoners, and their friends and families have joined in a petition to the state Department of Telecommunications and Cable, asking the regulatory agency to reduce what they call the astronomical costs outside vendors charge for phone calls from prisons.

After years of complaints by inmate advocates, the department opened a case in the fall, and a long-awaited public hearing is set for Thursday.

At issue is how much the vendors who run the phone services from jails and prisons can charge for phone calls and whether extra commissions that they pay to the prison facilities, part of their contracts, should come from the vendors’ profits, or from families struggling to pay the bills.

Two corporations run the phone services at the majority of the state’s prisons and county jails: Securus Technologies of Texas and Global Tel Link of Alabama.

Representatives of those companies could not be reached for comment, but the companies have opposed the rate reductions since the Department of Telecommunications and Cable opened the case.

The companies have also maintained that the rates are proper for the costs of operating and that the surcharges are allowed by state law.

The state agency that preceded the Department of Telecommunications and Cable ruled in 1998 that while rates should be comparable to what all customers pay for phone services, vendors who provide services from prisons could add surcharges to accommodate extra costs such as accounting for security, personnel and collect calling. The agency allowed surcharges as high as \$3 a call.

In many cases, the companies have used the surcharges to pay the jails and prisons commissions as part of their contracts. The jails and prisons, defending the policy, use the commissions to fund training and drug rehabilitation programs to reduce recidivism, costs that would otherwise go to taxpayers.

But prisoner advocates say that struggling families of inmates should not bear the brunt of those programs and that any commissions paid to the prisons should come from the vendors’ profits.

The advocates also argue that the actual costs of providing the services has dropped in recent years with development of new technology, centralization of services, and elimination of personnel, and so the rates should reflect that drop.

A report by Douglas A. Dawson, an independent consultant hired by the prisoner advocates, found that vendors in county jails are charging more than they are at state facilities and more than their counterparts in other states.

The consultant's analysis of recent contracts with the vendors, for instance, showed that Global Tel Link charged, at the state's prisons, a 65 cent surcharge for each call that was put on a debit card, not including any fees for activating the debit card, and subsequently charged about 7 cents a minute for the call.

The company also imposes a surcharge of 86 cents and 10 cents a minute for each collect call.

Meanwhile, the state Department of Correction was receiving a 35 percent commission through its deal with Global Tel Link, money which went into the state's General Fund.

In Plymouth County, Global Tel Link paid the county sheriff a 60 percent commission, according to Dawson's report. Meanwhile, the company charged customers \$3.10 for the first minute of a call, and then 10 cents for each additional minute.

In addition, the company charged a monthly fee of \$2.89 for anybody who receives a bill.

In Barnstable County, by contrast, Securus charges a \$3 surcharge plus 10 cents per minute for local phone calls. That jumps to a \$3.95 surcharge plus 89 cents a minute for interstate phone calls. The company pays the sheriff's office a 52 percent commission.

The Department of Correction and the Massachusetts Sheriffs' Association said they would not comment on the reduction request, pointing out they do not set or charge the rates.

A spokesman for the Plymouth sheriff's office defended use of the commissions to fund programs, saying the commissions alleviate pressure on taxpayers.

"It's a funding mechanism, the proceeds of which are used to pay for other inmate programs," said the spokesman, John Birtwell.

But inmate advocates say the fees are too high for struggling families. To make matters worse, families have to pay the surcharge even when a call is dropped after a minute or two, something they called a regular occurrence.

Christine Dutra, 49, of Fall River, said her husband is awaiting trial at the Ash Street jail in New Bedford, and they have an understanding that he will call again whenever a call is dropped.

Dutra, a nurse, said she spends as much as \$100 a week to talk to her husband, not including the activation fee for the debit cards he uses to call her.

She is glad to do it, because she wants her husband to be part of her children's and grandchildren's lives, she said.

"I try to make sure he's part of our everyday life," said Dutra. However, she knows that others cannot afford the costs: her husband's fellow inmates repeatedly ask her to check in on their own wives and children, because they cannot afford the costs themselves.

Waleska Rivera, 56, of Westfield, said she has to talk to her son by phone, because the trip to his jail in Ludlow is too long. She wants to check on his health: He has regular seizures. But she has to tell him that she will talk when he can. Twenty dollars here, \$20 there, not including the processing fee.

“When the money for the phone goes, I can’t do anything more,” she said.

http://www.metrowestdailynews.com/news/x1052259293/The-high-cost-to-stay-connected-from-prison?zc_p=1

Metro West Daily News
July 14, 2012

Thanks to a pricey surcharge and poor service, family members trying to reach inmates in Massachusetts jails and prisons can sometimes pay up to \$10 for a few minutes of phone time.

While the charges aren't quite as high at state-run facilities as they are at county ones, they hit hardest on women prisoners at MCI-Framingham, many of whom rely on such calls to keep in touch with their children, said Bonita Tenneriello, a lawyer at Prisoners Legal Services in Boston.

This Thursday at a public hearing before the state Department of Telecommunications and Cable, Tenneriello and many other inmate advocates and family members will make the case to lower prison phone rates and investigate poor call quality.

"We're expecting a large turnout — we've gotten many, many letters from families," Tenneriello said. "I think people want to have their voices heard."

Prison phone calls in Massachusetts are more expensive than calls at correctional facilities in other states, and prices have not come down in recent years despite advances in technology, according to a report by Maryland consultant Douglas A. Dawson, whose affidavit was submitted by prisoner advocates along with a petition to the state in 2009.

Collect calls to inmates in state-owned facilities including MCI-Framingham, which are handled by Global Tel Link of Alabama, include an 86-cent surcharge on top of a 10-cent per minute rate. County-run facilities, which are handled by Global Tel*Link and Securus Technologies in Texas, are even pricier, with a surcharge of between \$2.50 and \$3 at some jails, according to Dawson's report.

In both cases, unreliable services make communication even more difficult, as well as expensive, Tenneriello said.

"Calls get dropped all the time," she said. "It can happen more than once in a single call."

A big chunk of the money goes directly to a commission the companies must pay to the jails and prisons as part of their contracts. At state-run correctional facilities, the money is put into the state general fund, said the Department of Correction's public affairs director, Diane Wiffin.

With some spouses and children paying up to \$150 a week on calls, the high rates essentially amount to a tax on families that often don't have much money, Tenneriello said. In the case of prisoners at MCI-Framingham, many of whom are young mothers, "we're asking children to bear that cost," she said.

That burden jeopardizes a critical parental bond that can lower the chances of recidivism for mothers, said state Rep. Kay Khan, a frequent advocate for women prisoners.

"They're often the primary caregiver," she said. "It's important to keep that connection between children and their mothers."

Studies show that inmates of either gender tend to do better upon release if they've maintained contact with the outside, which is why society in general should be behind lowering prices, Tenneriello said.

According to documents filed with the DTC, both phone companies have countered that petitioners haven't proven the rates are unreasonable, however, and that Dawson's report was based on old data.

Wiffin said the DOC couldn't comment on the drive to lower phone rates because of the upcoming public hearing.

Tenneriello said she is confident petitioners will have enough evidence to show that change is needed.

"We've heard from many, many prisoners in the department of correction that this is a real hardship," she said.

Campaign Pressures FCC to Roll Back Exorbitant Expense of Prison Phone Calls

Posted Sept. 26, 2012

Interview with Drew Kukorowski, research associate at the Prison Policy Initiative, conducted by Melinda Tuhus

For the 2.2 million inmates in the U.S. prison system, phone calls to and from their loved ones are an important source of support and a way to help inmates transition back to society upon release. But in most states, the cost of these phone calls can be prohibitive – up to a dollar a minute. That leaves most prisoners and their families with much less personal contact via phone calls than they would like. In some extreme cases, families have to choose between calling family members in prison and putting food on the table.

Now a campaign is under way to pressure the Federal Communications Commission, or FCC, to make a ruling that interstate calls between prisoners and their families must be regulated to be priced at a reasonable rate. The ruling, if issued, would not affect calls between prisoners and their family members within the same state.

Between The Lines' Melinda Tuhus spoke with Drew Kukorowski, a research associate at the Prison Policy Initiative, a group that's active on examining the societal impact of mass incarceration. He explains how the prison phone system works, why it's so expensive, and the goal of the organization's current campaign targeting the FCC.

DREW KUKOROWSKI: The way the prison telephone system works is that state Depts. of Correction – those are the state prison systems – enter into exclusive contracts with the prison telephone companies. In the vast majority of the states, the prison telephone companies will pay a commission, which is a fancy name for a kickback, to the state Dept. of Correction. What this does is drive the rates up because the company has to then bring in enough revenue to send some back to the state Dept. of Correction. This practice has been banned in New York, and consequently, the rates have plummeted in NY for the state prison system there; it's about five cents a minute for inmates to call their families in NY, which is a very reasonable rate. Notably, the company that has the contract for the NY prison system is Global Tele-Link, which is the behemoth prison telephone company that has contracts in many of the other states that charges exorbitant rates.

BETWEEN THE LINES: It seems rather obvious, but what's the impact of these high phone rates on the inmates and their families?

DREW KUKOROWSKI: So one thing the high rates do, it reduces the frequency with which people in prison can speak with their families. For example, I track some of the letters that come in from people in prison to the FCC encouraging them to regulate the interstate long distance rates. And if you read some of these letters that people in prison are writing in, you can see they're saying things like, "I'd like to be able to talk to my brother or my parents, but I can only afford one 15-minute phone call a week with my wife, or my kid." And so what happens is that when the rates for a 15-minute phone call are \$10 or \$15, it just common-sensically reduces the frequency that people are able to talk to their family members.

BETWEEN THE LINES: And that's because, I guess, most people in prison tend to be from low-income families. If you're a millionaire, I guess it doesn't really matter.

DREW KUKOROWSKI: Right, exactly, if you're Bernie Madoff and you're in the federal BOP (Bureau of Prisons), it's not a problem. Your only limit is you can only talk on the phone so much when you're incarcerated; they won't let you talk unlimitedly. But for most people who come from low-income backgrounds, it can add up very quickly. And one of the things the prison phone companies argue – and the state prison systems do, too – is that with what they call debit-based, or pre-paid, systems, that the prisoners themselves pay for the phone calls rather than calling collect. But in most places people who are incarcerated earn 20 or 30 cents an hour, and the way their accounts get built up is by family members putting money into their commissary account or their canteen account, so in almost all cases, it's really the families of those incarcerated who end up footing the bill.

BETWEEN THE LINES: So, Drew Kukorowski, what's the role of the FCC and what's your organization trying to get the FCC to do?

DREW KUKOROWSKI: The FCC as a federal agency only has jurisdiction to regulate out-of-state long-distance prices. They cannot regulate long-distance or local calls that are within a single state. This is a federal versus states' rights issue. But the FCC still has the power to regulate interstate long distance calls, and what they've been trying to do for about ten years now – there was a lawsuit initially that was dismissed from court and sent over to the FCC for the FCC to propose a rule-making to regulate the out of state, interstate, long distance prices for the prison system. There's a movement to really push the FCC to propose a rule-making, publish it in the Federal Register, and once they propose that rule-making, a year clock starts ticking for public comments, and hopefully, at the end of that year, the FCC will enact a regulation that would impose a price cap on the rates that the prison telephone companies are allowed to charge for out-of-state long distance.

BETWEEN THE LINES: Is this something the general public can have an impact on, and if so, what can they do?

DREW KUKOROWSKI: Yes, it is something that the general public can have an impact on, and they can put pressure on the FCC and let the FCC know that this is an issue that people care about, and think that is important not just for the people that are incarcerated and their families, but for the public at large, because the social science studies are conclusive in that when people who are incarcerated have close family ties and family contact during their period of incarceration, they're less likely to commit another offense when they're released from prison. Sort of a common sense point, but it gets backed up by the social science research too.

Families fight the cost of prison phone calls

by Ugonna Okpalaoka | September 28, 2012 at 2:30 PM

Pressure is mounting in what has been an almost decade-long campaign for phone companies to lower the costs of prison phone calls. At a connection fee of up to four dollars and a per-minute fee up to 89 cents, a 15-minute phone call between inmates and their family members could total almost \$20 dollars.

“You just have to get everything out in one line,” Martha Wright, whose grandson Ulandis Forte was transferred between several state prisons around the country when he was incarcerated, jokingly told Colorlines.

Wright is the face of the campaign. She first filed what’s now known as the Wright petition with the FCC in 2003 after she realized how expensive it was to keep in contact with her grandson. Wright, who is in her eighties, didn’t have the option to visit him regularly or, because of her blindness, write him letters.

Other families also struggle with the costs, sometimes having to make the decision between talking to their relative behind bars or paying for other living necessities.

According to the U.S. Census, there are over 1.6 million prisoners in the United States and statistics from the Bureau of Prisoners lists 37 percent of those prisoners as black and 35 percent of them as Latino. This leads to a thousands of minority families, many of them poor, not being able to afford to stay in touch with their incarcerated relatives.

The calls come at such steep prices because unregulated phone companies pay states a commission, or “kickback,” ranging from 15 to 60 percent, according to the *New York Times*. The monopoly by these companies allows both them and the state to make an alarming amount of income from phone calls.

A Colorlines infographic reported states like Alabama and Washington make over \$5 million from high phone rates. Georgia topped the list with an income over \$7.8 million.

Congressmen Henry A. Waxman and Bobby L. Rush wrote a letter to FCC Chairman Julius Genachowski urging him to make a decision about the “exorbitant rates families of prisoners pay.”

FCC Commissioner Mignon Clyburn met with Wright, Forte and others earlier this week about the issue.

“I am pleased that the Chairman has been receptive to the Wright Petitioners, and my discussions with him and his office have been very positive about the next steps needed to move forward in this proceeding,” Clyburn said in a recent statement.

“She never gave up on her grandson and always knew that to keep her family together, communications was key,” Clyburn told Politico. “I think about the Mrs. Martha Wrights of the world and their families. These are not rich families that can afford an \$18 phone call for a few minutes ... That is why I’m committed to moving this petition.”

<http://flcourier.com/2012/09/11/federal-government-should-protect-poor-families-from-prison-telephone-companies/>

FEDERAL GOVERNMENT SHOULD PROTECT POOR FAMILIES FROM PRISON TELEPHONE COMPANIES

September 11, 2012

A report released today, “The Price To Call Home: State-Sanctioned Monopolization In The Prison Phone Industry,” reveals that the monopolistic prison phone industry’s high calling rates are jeopardizing public safety and taxing poor communities. The three phone companies that dominate 90% of the industry negotiate exclusive contracts with state prison systems, set calling rates that are excessively high, and “kick back” a portion of the revenue to the states, all at the expense of the real consumers: incarcerated people and their families.

The result is that the low-income communities that incarcerated people disproportionately come from must struggle to pay phone rates that are far higher than rates charged outside prison walls. “Phone prices have plummeted for almost everyone in the U.S. in recent years,” said report author Drew Kukorowski. “The one exception is people who have family members in prison. Those folks are still paying astronomical rates.”

The report concludes that there is a clear solution: the Federal Communications Commission, the government body charged with regulating telecommunications, must step in to cap the rates phone companies are allowed to charge in prisons. “Low rates in New York and the federal prison system demonstrate that it is possible for phone companies to cover expenses and bring in a profit while making it less difficult for incarcerated people and their families to stay in touch,” Kukorowski explained.

Facilitating incarcerated people’s ability to communicate with their families, the report observes, would also promote public safety and reduce recidivism. “Study after study confirms what we know from common sense: It’s in everyone’s best interest to make sure that incarcerated people maintain strong connections to family members on the outside. There are 2.7 million children in this country that have a parent who is incarcerated. We need to ensure that those families can afford to stay in touch,” said Kukorowski.

The report, published by the Prison Policy Initiative, a non-profit, non-partisan research center, is available at <http://www.prisonpolicy.org/phones/>

Civil Rights Groups and Conservative Leaders Urge FCC to End Practice of Predatory Prison Phone Rates

May 21, 2012 - Posted by **Avril Lighty**

With a joint letter and a press call, civil rights groups and conservative leaders have united to urge the Federal Communications Commission (FCC) to reform prison phone rates.

Making calls from prison is extremely expensive and the cost to consumers has nothing to do with the cost of the phone service provided. The high rates of prison phone calls are the result of contracts between prisons and telephone companies that are awarded based not on the cheapest rates but on which company can provide the largest commission to the prison.

“Small gestures that keep love and friendships growing, like a phone call on Mother’s Day or wishing happy birthday to your kids, are often the only way for many inmates to keep those close relationships alive,” said Wade Henderson, president and CEO of The Leadership Conference on Civil and Human Rights. “But many prisons don’t view these precious ties as rehabilitative or lifesaving. Instead, they view them as revenue generators – ways to pad their bottom line. This issue transcends party and ideology. We collectively represent millions of American households who are committed to reforming this outrageous and predatory practice.”

The issue has attracted broad support, from conservative leaders such as Gary Bauer and David Keene, as well as civil rights groups such as The Leadership Conference on Civil and Human Rights, the NAACP, the National Council of La Raza, and the National Organization for Women.

According to the joint letter, a typical interstate collect call from prison has a \$3.95 connection fee (regardless of the length of the call), while additional charges can be as high as almost 90 cents per minute. Inmates’ family members and loved ones outside of prison could pay as much as \$250 a month for a weekly one-hour phone call.

Advocates emphasized the importance of inmates being able to maintain a support network to reduce recidivism after their release, thus lowering government costs for correction facilities. Within three years of being released, 67 percent of ex-prisoners re-offend and 52 percent are re-incarcerated. According to the Pew Center on the States, state and federal spending on corrections has grown 400 percent over the past 20 years, from about \$12 billion to about \$60 billion. Exorbitant phone rates make regular telephone contact with innocent family members and community members difficult to maintain.

“Research shows that intact families are the most important factor in inmates making a successful transition after prison,” said Pat Nolan, president of Justice Fellowship and a former inmate. “The prisons should be doing all they can to strengthen families during incarceration, so the inmates have a supportive family when they get out. Yet, the huge ‘add-ons’ to the costs of calls home severely limits the number of times inmates can call their families. The outrageous phone surcharges hurt the people who can afford it least – the families of inmates.”

The Leadership Conference and its partners are urging the FCC to exert its leadership and address this problem by capping the charges that can be imposed for interstate prison phone calls.