



March 25, 2013

Chairman Julius Genachowski  
Commissioner Robert McDowell  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20054

**RE: WC Docket No. 12-375, Rates for Interstate Inmate Calling Services**

Dear Chairman and Commissioners:

As organizations with a strong interest and expertise in criminal justice policy, we write to urge the Federal Communications Commission to adopt into final rules the proposals in the long-pending Wright Petition. We are pleased the Commission has finally opened a proceeding to develop a factual record that will enable the Commission to adopt final rules ending predatory prison phone rates for long-distance calls. As groups that work to improve the criminal justice system, we see firsthand the challenges that high telephone rates pose, and write now to specifically emphasize how the high costs of telephone calls negatively impact the overall societal goal of reintegrating formerly incarcerated individuals to be full participants in society.

Prisons charge incarcerated individuals significantly higher rates for phone calls than what most people in the United States are charged. The cost of a typical interstate collect call from a prison includes a \$3.95 connection fee (regardless of the length of the call), while per minute rates can be as high as \$0.89. This results in charges of \$10-17 for a 15-minute collect call or \$300 per month for a weekly one-hour call.

Maintaining family relationships is a primary means to reduce recidivism, which is at crisis levels in the United States. Within three years of being released, 67 percent of ex-prisoners re-offend, and 52 percent are re-incarcerated. Americans are paying dearly for this trend. 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. Interventions that prevent further crime result in substantial cost savings for local governments. For example, the Urban Institute evaluated a family therapy intervention for juveniles incarcerated in DC jails, concluding that on average, the program reduced arrests by 22.6 percent for program participants.<sup>1</sup> The analysis found that each prevented arrest saves local agencies \$26,100 and federal agencies \$6,100 and that, on average, each averted arrest prevents \$51,600 in associated victim harms, which accounts for more than 60 percent of all savings from averted crimes.<sup>2</sup>

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<sup>1</sup> Samuel Taxy, *et al.*, *The Costs and Benefits of Functional Family Therapy for Washington, D.C.*, at 3, District of Columbia Crime Policy Institute (September 2012) available at <http://www.urban.org/UploadedPDF/412685-The-Costs-and-Benefits-of-Functional-Family-Therapy-for-Washington-DC.pdf>.

<sup>2</sup> *Id.*

Families and other social networks play a critical role in prisoners' successful transition from incarceration to the community,<sup>3</sup> and reentry is very difficult without strong social support networks.<sup>4</sup> In addition to offering housing, families may assist incarcerated individuals with securing a job, obtaining child care while they are working, and decreasing their abuse of alcohol and other drugs.<sup>5</sup> In a long series of studies, the Urban Institute found that the ability of men to secure a job before release was one key factor in obtaining employment after release. In the same study, men who were strongly attached to their children fared better on employment and substance abuse after release, and married prisoners were more likely to report being employed eight months after release.<sup>6</sup> Incarcerated individuals who have more contact and stronger relationships with their families were less likely to be re-incarcerated or arrested once they are released.<sup>7</sup>

The Vera Institute recently completed a study on the Family Justice Program's "Reentry is Relational" project, which encourages family members and prisoners to maintain their communication and ties as a way to promote successful reentry into society post-incarceration and to minimize recidivism. In that study, 92 percent of incarcerated individuals expected to rely on family members for support, and 66 percent expected to rely on friends.<sup>8</sup> Among the sources of support that family members provided to incarcerated individuals were financial support; emotional support, guidance, and advice; and child care and/or facilitating visits from children.<sup>9</sup>

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<sup>3</sup> Margaret diZerega and Sandra Villalobos Agudelo, *Piloting a Tool for Reentry, A Promising Approach to Engaging Family Members* at Vera Institute (2011) available at <http://www.vera.org/pubs/piloting-tool-reentry-promising-approach-engaging-family-members>. See also Jeremy Travis, Amy L. Solomon, Michelle Waul, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry* (Urban Institute, 2001); Nancy G. La Vigne, et al., *Chicago Prisoners' Experiences Returning Home* (2004); Jeremy Travis & Christy Visser, *Prisoner Reentry and Crime in America* (Cambridge Univ. Press, 2005); Rebecca L. Naser and Nancy G. La Vigne, "Family support in the prisoner reentry process: Expectations and realities," *Journal of Offender Rehabilitation*, 43 (1): 93-106 (2006); Peggy Burke and Michael Tonry, *Successful Transition and Reentry for Safe Communities: A Call to Action for Parole* (Center for Effective Public Policy, 2006); Christy Visser and Shannon Courtney, *One Year Out: Experiences of Prisoners Returning to Cleveland* (Urban Institute, 2007).

<sup>4</sup> See Marta Nelson, Perry Deess and Charlotte Allen, *The First Month Out: Post Incarceration Experiences in New York City* (Vera Institute, 1999); Eileen Sullivan et al., *Families as a Resource in Recovery from Drug Abuse: An Evaluation of La Bodega de la Familia* (Vera Institute of Justice, 2002); Shirley Klein, Geannina S. Bartholomew, and Jeff Hibbert, "Inmate Family Functioning," *International Journal of Offender Therapy and Comparative Criminology* 46: 95-111 (2002); Creasia Finney Hairston, "Prisoners and Their Families: Parenting Issues During Incarceration," (paper presented at From Prison to Home, a conference hosted by the U.S. Department of Health and Human Services and Urban Institute, Washington DC, 2002); Nancy G. La Vigne, et al., *Chicago Prisoners' Experiences Returning Home* (The Urban Institute, 2004); La Vigne, Schollenberger and Debus, *One year out: tracking the experiences of male prisoners returning to Houston, Texas* (Urban Institute, 2009).

<sup>5</sup> diZerega and Agudelo (citing La Vigne et al., 2004; Nelson et al. 2002, Eileen Sullivan et al., 2002, Visser et al., 2004).

<sup>6</sup> Visser, et al., *Life after Prison: Tracking the Experiences of Male Prisoners Returning to Chicago, Cleveland, and Houston* (Urban Institute Justice Policy Center, 2010) at 5 available at: <http://www.urban.org/UploadedPDF/412100-life-after-prison.pdf>.

<sup>7</sup> deZerega and Agudelo (citing Damian J. Martinez and Johnna Christian, "The Familial Relationships of Former Prisoners: Examining the Link Between Residence and Informal Support Mechanisms," *Journal of Contemporary Ethnography* 38, no. 2 (2009): 201-24; Hairston, 2002); Rebecca Naser and Christy Visser, "Family Members' Experiences with Incarceration and Reentry," *Western Criminology Review* 7, no. 2 (2006): 20-31.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> *Id.* at 8.

In most cases, individuals are incarcerated in facilities that are on average more than 100 miles away from loved ones, making telephone communication the key to keeping family bonds intact. The research also supported the need for communication beyond in-person visits, as well as the need for low costs for phone calls. In one study, more than half of incarcerated parents reported never receiving a personal visit from their children.<sup>10</sup> In the Vera Institute study, 27 percent of the incarcerated people surveyed indicated that they had not had any visits during their incarceration, and the primary reason was because family members lived too far away. Seventy-six percent of family members described significant barriers to maintaining contact, including the cost of calling cards and expensive collect calls.<sup>11</sup> In another analysis, although children who are incarcerated or in juvenile detention were found to do better with family support, prisoners reported the cost of telephone calls as a major barrier to maintaining contact.<sup>12</sup> These burdens and costs are all the more challenging because family members themselves struggle with their own limited incomes, educational attainment, and resources.<sup>13</sup>

High telephone rates, in combination with other policies limiting prisoner's access to telephone calls, can make it more difficult for incarcerated people to communicate with their lawyers, which is particularly problematic for inmates with literacy challenges or limited English.<sup>14</sup> Better communication can also contribute to safer prisons by reducing the number of disciplinary incidents.<sup>15</sup>

We believe a Federal Communications Commission decision to cap interstate telephone rates for prisoners will promote a safer society by facilitating more successful reentry for prisoners post-release. Thank you for your consideration of our views.

Sincerely,

### **National Organizations**

1. American Civil Liberties Union
2. American Probation and Parole Association
3. Campaign for the Fair Sentencing of Youth
4. Drug Policy Alliance
5. Equal Justice Initiative
6. Families Against Mandatory Minimums

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<sup>10</sup> Jeremy Travis, et al., *Families Left Behind, the Hidden Costs of Incarceration and Reentry* (Urban Institute, 2005) available at [http://www.urban.org/UploadedPDF/310882\\_families\\_left\\_behind.pdf](http://www.urban.org/UploadedPDF/310882_families_left_behind.pdf).

<sup>11</sup> diZerega and Agudelo at 9.

<sup>12</sup> *Families as Partners: Supporting Incarcerated Youth in Ohio*, Vera Institute Research Brief at 2 (January 2012) available at: [http://www.vera.org/sites/default/files/resources/downloads/Families\\_as\\_partners.pdf](http://www.vera.org/sites/default/files/resources/downloads/Families_as_partners.pdf).

<sup>13</sup> La Vigne et al. 2009; Tracey L. Shollenberger, *When Relatives Return: Interviews with Family Members of Returning Prisoners in Houston, Texas*. (Urban Institute, 2009), available at: [http://www.urban.org/UploadedPDF/411903\\_when\\_relatives\\_return.pdf](http://www.urban.org/UploadedPDF/411903_when_relatives_return.pdf).

<sup>14</sup> Resolution of the American Bar Association (2004),

<sup>15</sup> John J. Gibbons and Nicholas deBelleville Katzenbach, *Confronting Confinement: A Report of The Commission on Safety and Abuse in America's Prisons*, 22 Wash. U. J. L. & Pol'y 385, 438-39 (2006), available at <http://digitalcommons.law.wustl.edu/wujlp/vol22/iss1/25>.

7. Fed CURE
8. International Community Corrections Association
9. Japanese American Citizens League
10. The Leadership Conference on Civil and Human Rights
11. Legal Action Center
12. National Association of Criminal Defense Lawyers
13. National Association of Evangelicals
14. National Association of Social Workers
15. National H.I.R.E. Network
16. National Legal Aid & Defender Association
17. The Innocence Project
18. The Constitution Project
19. The Sentencing Project
20. Treatment Communities of America
21. United Methodist Church, General Board of Church and Society
22. United States Conference of Catholic Bishops

**State and Local Organizations**

23. A New PATH (Parents for Addiction Treatment & Healing)
24. College and Community Fellowship
25. Correctional Association of NY
26. Criminon New Life DC
27. CURE-Women Incarcerated
28. Direct Action for Rights and Equality
29. North Carolina Harm Reduction Coalition (NCHRC)
30. Protect Families First
31. The Center for NuLeadership on Urban Solutions
32. VOCAL New York