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January 4, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Re: Public comments for **WC Docket Number 12-375**

Dear Secretary Dortch:

In response to the Federal Communications Commission Notice of Proposed Rulemaking regarding how to decrease the costs of intrastate phone calls from correctional facilities, the Campaign for Prison Phone Justice would like to submit public comments for **WC Docket Number 12-375** stating our strong support for proposals that will:

- Substantially reduce the rate of intrastate calls made from prison (e.g., by setting a permanent single, low flat rate for *all* calls made from correctional and detention facilities)
- Eliminate expensive surcharges and fees that serve as an obstacle to frequent and affordable communication between incarcerated individuals and their family members
- Significantly limit the practice of commissions, fees, and surcharges.

The widely recognized benefits of such changes include an increase in public safety (inside correctional facilities as well as in the wider community); a reduction in recidivism rates; and the creation of a fair, effective, and healthy marketplace.

The Campaign for Prison Phone Justice was co-founded by: Media Action Grassroots Network, Nation Inside, and Prison Legal News. As a coalition representing formerly incarcerated individuals, their family members, and advocates throughout the

country, we will focus our comments¹ on the voices and perspectives of those families and communities that are directly impacted by the high costs of prison phone calls and fees.

The Importance of Proposed Changes to Families and Communities

In recently received comments, Amy from Nevada provided an invaluable perspective. ***“People don't go to prison to be punished. They go to prison as a punishment. The system is not just punishing my husband, but they are punishing me too,”*** she said. When wives, mothers, brothers, sisters, and children are forced to spend more than 60% of the cost of a prison phone call on things other than the cost of the call itself, Amy’s entire family—and those like hers—suffer the consequences.

The majority of individuals entering prison report annual incomes of less than \$8,000 for the year prior to incarceration.² As families throughout the country are left without their primary breadwinners, the high cost of prison phone calls have had and continue to have a huge impact on these families. Faith in Texas wrote, ***“The high price on calls means that other necessities have to be gone without.”***

Research has long shown that individuals in prison who are able to maintain strong ties to their families and community during their period of incarceration have the most success upon release from prison or jail. George, a formerly incarcerated individual from Pennsylvania, said, ***“I am a former inmate that is now having some success. I owe it all to family support. The phone was my lifeline to family and they got me through it intact.”***

In addition to reducing recidivism, increased contact with family contributes directly to increased safety in correctional facilities. Lana, a mother from Texas, stated, ***“I can see a change in my son from when the calls were started. He is happier and more settled. This is a win-win situation for the families and the prisons.”*** The Federal Bureau of Prisons has similarly recognized the management benefits of increased prison phone calls, stating that phone privileges provide a supplemental means of maintaining community and family ties that contribute to an inmate’s personal development.³

Sixty-two percent of parents incarcerated in state prisons and 82% of parents in federal prisons are in facilities located more than 100 miles away from their homes.⁴ With such distances, phone calls are vital to keeping families connected. Policies should be enacted that facilitate affordable and easy communication, and that do not create additional barriers and punishments for those family members already suffering. The profits made from these phone calls, which exceed \$460 million per

¹ The Campaign’s comments to the FCC represent the knowledge and experience gained over decades of working directly with communities impacted by the criminal justice system, feedback received

² Prison Legal News. “The Crime of Being Poor.”

³ 28 C.F.R. S 540.100(a)

⁴ Genty, “Damage to Family Relationships.”

year, are made at the expense of others.⁵ As Jennifer in Colorado said, ***“The state and private agencies housing the inmates should not be allowed to profit from broken families trying to rebuild their lives.”***

Additional Family Perspectives

- “Help the elderly to be able to speak to their family like my retired mother that lives on a budget whose son is in prison but cannot afford to hear her son's voice.” (*Shani B. - Texas*)
- “I spend at least \$150-\$300 a month just to be able to speak to my husband. Phone calls are an important ingredient in keeping our family in contact and feeling support from all to all.” (*Faith S. - Illinois*)
- “I wish I could afford to make these calls without making sacrifices.” (*Larry W. - New York*)
- “In our family, my son has been incarcerated. When he was, his wife and children have been without their primary wage earner. They have more than enough to contend with, without having to face these predatory and punitive telephone fees.” (*Viktoria S. - Arkansas*)
- “It is hard on me as the wife of an inmate. It's up to me to pay all the bills and life is difficult at times. It's hard to be without your husband and there are times I need to talk to him to get that emotional support I need. But when calls are so expensive it is something I just have to deal with. The system is not just punishing my husband but they are punishing me too.” (*Amy A. - Nevada*)
- “It is important to lower the cost of these calls to help families from struggling between paying and being able to keep a family connected and allowing kids to keep a relationship with their incarcerated parent without having to chose between that and buying groceries.” (*Misenda W. - Wisconsin*)
- “My loved one calls me once a day for 20 minutes each day. This is the only time we have to update each other on our lives, to comfort him and let him know that he's not being left behind, to encourage him and his continued behavioral improvement, that this change he's attempting is appreciated and worth the difficulty and effort. This costs \$130.20 for a mother whose husband is incarcerated, and who has children, who need to know their father despite him being inside. This amount translates to groceries for the month. When you don't have much, you have to choose between feeding your kids, or encouraging your husband, and allowing your kids to know their father.” (*Amsani Y. - Wisconsin*)
- “The phone companies specifically are adding a great weight to the backs of the families who are trying to stick together when it is most important.” (*Tracy S. - Alabama*)
- “My boyfriend is doing his time, paying for his crime. I used to talk to him all the time, because I made him my first priority. Not being able to afford it, my phone got shut off and I ended up losing my apartment. Now I live with my sister and don't get to talk to him at all. The expense is just to much. I'm in

⁵ <https://www.federalregister.gov/articles/2014/11/21/2014-26922/rates-for-interstate-inmate-calling-services-second-further-notice-of-proposed-rulemaking>

Pennsylvania. and they moved him 6 hours away from me. He has no family and I'm all he has, I can't see him or call him. This is a double punishment. So unfair. Sometimes I feel like I'm gonna die I need to hear him so bad." (Colleen R. - Pennsylvania)

- "Over the course of the last 16 months Kevin has been incarcerated, he's been in five different facilities. With the exception of the two state prisons he was in, every phone system has been different—most of them outrageously expensive." (Alexandria G. - Missouri)
- "At one point my father was in the hospital dying. I was trying to call home to find out his condition. When I called I was denied access to the phone system because my account did not have enough money in it. There was no way I could know that. We never ran behind on our bills or did not pay, yet we were treated like we had." (Albert B. - Virginia)

Positive Impact of Interstate Caps

While additional reforms are much needed, the 2013 reforms capping rates for interstate calls from prison have had a tremendously positive impact on families throughout the nation, and we applaud the FCC's efforts on this issue. Brandy in Oklahoma wrote to us, saying, ***"I am able to talk to my loved one more often at \$3 per call as opposed to \$10 or more. This allows me to manage my household and maintain family bond. This in turn reduces stress for all and lets my loved one focus on his rehabilitation. Isn't that what incarceration is about? Not being left behind to become hard and bitter."***

Expressing her gratitude for the reforms of fees for interstate calls, Kimberly of Tennessee wrote, ***"I live in Tennessee and have a son who is an inmate in California. It was extremely expensive to talk with him. With the reduction of the cost of interstate calls my husband I are now able to talk with him as well as his two sons. This has been a great help to our family. It has helped with the hopelessness his sons were experiencing. I am extremely grateful for the effort of the FCC."***

The previous reforms on interstate calls (passed in 2013 and enacted in 2014) mean that many families no longer have to choose between staying in touch and paying rent. It has enabled families to work together to develop plans for reentry, and it has given countless individuals in correctional facilities across the country something to look forward to and work towards while incarcerated. Patty in California perfectly sums up the positive impact of the 2013 reforms, ***"I have a partner incarcerated in Texas and am a wheelchair user in California. The reduced rates have eased both my monthly phone costs -- which is a HUGE help -- and supported our ability to develop a release plan, as he was recently paroled. We know that the ability for family and loved ones to stay [in] close touch with those incarcerated has a huge impact reducing recidivism. Please continue this positive momentum by reducing within state call costs as well!"***

It is important to include comments from our community partners about the positive impact of these reforms, but the fact remains that nearly 85% of calls made from prison are *intrastate* calls, and are thus not subject to these reforms. The Campaign for Prison Phone Justice strongly encourages the FCC to extend the type of reforms made for interstate calls to intrastate calls, allowing the positive effects of these previous reforms to touch millions more.

Additional Family Perspectives

- “The reduction in costs of interstate calls made by the FCC has been a tremendous help to my family financially. It allows his sons to have contact with him on a regular basis.” (*Nancy W. - Tennessee*)
- “I am able to speak to my mother, and allow my granddaughter to hear her grandmother while she is away!! We could stay connected in more ways than just mail.” (*Amber - Oklahoma*)
- “My son is in a jail in New York State. Last year these calls cost well over \$15 for 15 minutes. This year it costs \$5. This has increased the contact I can have with him.” (*Sheila M. - Virginia*)
- “My husband is incarcerated in Texas and my daughter and I live in Colorado. Lower costs for the phone means we get to communicate more, my daughter had time to spend with her Daddy and I get time with my husband. Because of the distance, as you can imagine, we only get actual visits about twice a year.” (*Dena R. - Colorado*)
- “I can afford to keep in touch with my husband and he feels like he is still a part of the family. We can talk more often.” (*Heather K. - Pennsylvania*)
- “We have been waiting for rate caps for years!!! It is a blessing. Does anyone have any idea how the human voice and touch impact one in prison?” (*Monica S. - Wisconsin*)
- “My calls from my loved one have dropped from \$8.05 for 20 minutes to \$4.35 for 15 minutes. Since the rates dropped in February, we are now talking on the phone 4 times a week!!” (*Cindy - Texas*)
- “My friend has been incarcerated in Illinois for more than a year. His family, girlfriend, and closest friends live everywhere from Missouri to California. The fact that he can stay connected to us without feeling like he's burdening us (or his own commissary account) has been hugely important to everyone's wellbeing while he's away.” (*Alexandria G. - Missouri*)

Impact of Current Intrastate Rates

The 2013 reforms were an important step forward, but with 85% of calls from prison being intrastate, most individuals and families with loved ones in prison continue to face astronomical call rates that present them with a very real financial burden. Stl-Sunshyne in Missouri reminds us of the real difference proposed reforms could have on the lives of many, saying, ***“My ONLY child is currently incarcerated and I am raising his ONLY child. Cutting the cost of the calls would help me as a single parent because I would spend less putting money on my son’s ‘books’ and the extra can go towards the cost of raising a 3-year-old.”***

The establishment of correctional facilities in remote locations, which is the primary reason that it is so difficult for family members to visit loved ones, appears unlikely to change anytime soon. This makes the proposed reforms that much more urgent. In Texas, the vast distances are felt acutely by family members like Terri, who wrote to us, saying, ***“In Texas, not many of us can travel 300 miles a weekend for face to face visits. Without reasonable rates, inmates are separated totally from their loved ones and from the society they will re-enter.”***

Research has found that fewer than half of parents incarcerated in state prisons get to see their children in person during their period of incarceration. These parents cite distance, prison policies, and scheduling as the primary obstacles.⁶ A decrease in phone rates will significantly improve these children and parents’ ability to continue a meaningful relationship during the parents’ incarceration.

The positive impact proposed reforms would have on families cannot be denied. Furthermore, it is important to remember that many individuals in prison are functionally illiterate or suffer from mental disorders and thus cannot rely on written correspondence. For these individuals in particular, phone calls are the primary means of maintaining family ties and parental relationships during their incarceration, and should therefore be encouraged.

<i>Additional Family Perspectives</i>
<ul style="list-style-type: none">▪ “My husband is in a prison in Virginia. It cost \$5 for 20 minutes. This is still too high. He is only 53 miles away from me and in the same state.” (<i>Sheila M. - Virginia</i>)▪ “Our children love to talk to Daddy. We are unable to speak every day because costs being so high. I pay \$0.26-\$0.28/minute and taxes may apply. It gets too high and we have to stop phone calls all together [for] a week to catch up on what's already owed. It's as if the system takes advantage because you know because we miss our loved loves and will pay regardless to speak to them regularly.” (<i>Lanae M. - Texas</i>)▪ “We don't have much money, we are raising our 6 year old great granddaughter. Her only contact with her mother is by phone; an occasional video visit but we don't take her there much because it upsets her that she cannot hug mommy. Overall we probably spend \$50 to \$75 a month to ensure that they can talk. That money is needed elsewhere.” (<i>Cathrine N. - Virginia</i>)▪ “It's now cheaper for my incarcerated loved one to call his friends/family out of state than it is for him to call his closer family that are IN STATE! The high rates DO affect us and force us to limit the amount of phone calls to one time per week.” (<i>Michelle M. - Arkansas</i>)▪ “I spend \$400-500 per month to speak to my loved one in addition to the several hundred dollars it costs me to visit and provide his needs that are not met by the state. The ability to communicate with your family in this situation is critical. The support, emotionally and physically is the one most important thing in this type of situation. Please stop the phone monopoly. It

⁶ Ibid.

- is not fair to burden the very people who are struggling with the loss of a loved one.” (*Diane - Texas*)
- “I Pay 40 Dollars a Week For Calls. I Can't Afford Them But It Puts a Smile on My Kids Face.” (*Jackie L. - California*).
 - “I pay 100 dollars a month towards in-state prison calls per month. This amount of money does not even cover one call every other day through the month. Unfortunately, I am disabled and currently supporting my two children on my own since my husband is in prison, and I am barely able to afford the amount that I do put towards calls. Keeping contact with my husband is extremely important to all of us as a family, especially with two young children and my health issues.” (*Jessica S. - Virginia*)
 - “Our son is incarcerated in the Texas prison system. Our income is limited and not being able to speak to him is heart wrenching. The pain is not just ours but our son's also. Right now we are paying up to 40 dollars a month when we can. Food and shelter must come first. Have you ever felt the pain and sorrow of missing a family member when there are miles and barriers that separate you?” (*Lana S. - Texas*)
 - “We have to go without talking a lot. He doesn't get to talk to his daughter very much, [as] she is a schoolteacher on a budget. His father has lung cancer and can't afford the calls. This a hardship on everyone BUT the for-profit prison industry. Contact with family is soooo important and I am tired of paying a fee to even put money on the account. Where does it stop?” (*Kelly - Oklahoma*)
 - “I paid for \$25.00 on a inmate phone call plan. There was a \$7.00 charge before the first call was made. We had a total of three calls, approximately 5-6 minutes for the first two, 4 minutes the last one. This is really unacceptable and places a heavy financial burden on me. My son has medical and mental issues which the jail is not allowing him treatment and I need to keep in touch with him.” (*Mary M. - Ohio*)

Impact of Ancillary Fees

Capping intrastate calls alone are not enough. ***“Fees to add money, fee to connect, fee for first minute,”*** says Diane from Mississippi when asked about her experiences with ancillary fees. Such fees have a huge impact on families' prison phone bills, making up 38% of the \$1 billion spent annually on calling home.⁷ For many family members, the fees seem never-ending. Catherine in Virginia says, ***“for every \$25 you put on the account, they take \$5; then because I use a cell phone for the calls, there is an additional surcharge.”*** This, in a country where more and more people are foregoing landlines for cell phones.⁸

Family members have described ludicrous charges, such as a fee for closing their accounts. Such fees would be unacceptable in a free and competitive market, and

⁷ Kukorowski, D; Sakala, L; and Wagner, P. “Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry.” Prison Policy Initiative: May, 2013.

⁸ Desilver, D. “For Wireless-Only Households, Look South and West. Pew Research Center. December, 2013.

they are designed to take unfair advantage of a population with no other option than to accept them. Amber in Oklahoma wrote that she incurs fees ***“to add money to the account, to accept the phone call, to use a landline and run it as a collect call instead of a prepaid call. There are also fees when you want to close out the account. They keep nearly half of what is left.”***

The big losers of ancillary fees are the families, already destroyed and financially vulnerable from the loss of their loved ones. The prisons and jails benefit from these commissions and fees, as does the phone industry, leaving poor families with the burden of covering the costs. For some it can become an impossible choice, as described by Joyce in Indiana, ***“I have to pay \$4.95 to use my credit card. These fees make it almost impossible when you only have \$700 a month to pay all the bills and all my medicines.”***

Additional Family Perspectives

- “When I put \$50 on the phone account, I’m actually charged nearly \$13 in fees/taxes. IC Solutions, the provider for the MTC run prison where my loved one is, says the 15 minute call costs only \$3.15, but with the fees/taxes they add on, it actually costs me \$4.35.” *(Cindy - Texas)*
- “The Arizona prison system has switched to new rules; they are designed to get money from families and the prison. Securepaks add a \$5 charge on top of actual goods, and calls to families and others are impossible for prisoners who do not work. Money sent to prisoners is no longer accepted by money order; it must be sent through an online or phone system that charges families extra for the 'administration' of the send. The prison makes money on this as part of their deal with the companies.” *(Cindy - Arizona)*
- “There are additional fees added to the cost of the minutes. We pay almost one dollar more for each call in addition to the minutes charge.” *(Nancy W. - Tennessee)*
- “I put \$50.00 on my account at a time and each time I have to pay an extra \$2.50 convenience fee. There is also a connection fee when the call is accepted on top of the per minute charge.” *(Amy A. - Nevada)*
- “Every time I add money to my phone account in order to be able to accept the calls cost me \$7.95-\$9.95.” *(Nicole K. - Arizona)*
- “There is a minimum \$7 handling charge for each deposit on the phone account and a minimum deposit of \$25. This means that they take one third of your money right off the top. With each call costing nearly \$4 you are left with almost nothing.” *(Jennifer W. - Colorado)*
- “There is a \$5 fee per payment to pay Securus online. There is also a \$2.49 fee monthly just to have them send me a statement. Plus the other regulatory fees.” *(April H. - Oklahoma)*
- “Calls are not pro-rated. If we are unable to talk the entire 15 minutes, we are charged for the entire 15 minutes. I contacted IC Solutions about this and they said that's their policy. Why should we have to pay for minutes we did not talk?” *(Cindy - Texas)*

- “The ancillary fees often charged to prisoner families, sometimes without prior knowledge, are just another way to exploit these already economically and socially vulnerable families.” (*Jacquelyn M. - Michigan*)

Conclusion

The number of individuals in either prison or jail in the United States is over 2.3 million. We urge the FCC to consider the fact that men and women in correctional facilities are not defined solely by the crimes for which they have been charged or convicted; each one of them is also a father or mother, a brother or sister, a son or a daughter.

The high cost of prison phone calls and the ancillary fees associated with such calls adversely impacts not only the men and women behind bars, but also their families on the outside, who are desperately trying to maintain contact and survive until the sentence ends and they can be reunited.

Capping the rates of intrastate calls and eliminating predatory ancillary fees will positively impact millions of families and will also ensure that when these men and women do finally return to their communities (and 95% of them do), they have maintained the connections and support that will assure their successful reentry.

We submit these public comments on behalf of: 1) the more than two hundred individuals who sent comments to the Campaign for Prison Phone Justice regarding the cost of prison phone calls, 2) our coalition partners, representing hundreds of thousands of people across the country fighting for criminal justice reform, and 3) the millions of families directly impacted by the criminal justice system and financially burdened by the high cost of prison phone calls.

We once again urge the FCC to immediately pass reforms to drastically reduce the costs of intrastate prison phone calls and protect vulnerable families from predatory practices. Thank you for your time and consideration.

Sincerely,



Cindy Eigler
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