



Submitted online only

January 9, 2015

The Honorable Tom Wheeler, Chairman

Federal Communications Commission

445 12th street, S.W.

Washington D.C. 20554

Re: Comment for WC Docket No. 12-375

(Second Further Notice of Proposed Rulemaking)

Dear Chairman Wheeler,

The Illinois Campaign for Prison Phone Justice applauds the Federal Communications Commission for taking action on the high cost of inmate calling services and considering further steps to cap rates for all calls from prison, jails, correctional facilities and detention centers, eliminating fees and ancillary charges, and continued reforms for video calls and disabilities access.

Our campaign is pleased to submit this comment concerning the Commission's Second Further Notice of Proposed Rulemaking on WC Docket No. 12-375, with respect to Inmate Calling Services (ICS).

The Illinois Campaign for Prison Phone Justice is a state-wide project of the Urbana-Champaign Independent Media Center (UCIMC) as part of a national attempt by the Media Action Grassroots Network (MAGNet) to coordinate efforts to achieve equity in prison and jail phone services. We believe, as stated by Commissioner Rosenworcel, that "this is not just an issue of markets and rates-this is a broader issue of social justice."

Through the Freedom of Information Act and other sources our campaign has collected data on jail telecommunications contracts for 23 of Illinois's 102 counties, as well as gathered information on the contracts of the Illinois Department of Corrections. Our target counties include the ten largest counties in the state, covering roughly 83% of the Illinois population. In addition, we have done formal interviews with 17 people throughout the state (as well as talking informally to dozens of others) who have experience of using prison and jail phone systems, either through communicating with loved ones or during their own periods of incarceration. Our reviews of these contracts coupled with the interview material have informed our response. A spreadsheet summary of the raw data from our contract research as well as other relevant documents are attached here as appendices.

FINDINGS

Here is a summary of our findings:

1. With a site commission rate of 76%, the Illinois Department of Corrections (IDOC) has one of the **highest commission rates** among state prison systems in the country.
2. Illinois Department of Corrections earned \$12 million in site commissions in 2012, the **second largest commission** amount of any state corrections authority. The IDOC presents no accounting for how this money is spent.
3. **Securus Technologies has a virtual monopoly on prison phone services in Illinois.** They hold the two largest contracts, for IDOC and Cook County, and nearly 80% of all county phone contracts in the state.
4. A number of counties have **site commission rates far above the 2012 market level of 47.79%**. These include Kane (79%), Kendall (62%), Lake (75%), Macon (68.5%), McHenry (68.5%), St. Clair (68%), and Will (70%). The greater commissions typically go to counties with large jail populations.
5. There is **no consistency in the rates charged across the state**, regardless of provider. In Sangamon, home to Springfield, the state capital, provider Pay Tel charges \$17.34 for a 15-minute collect call. By contrast, in Champaign County, the provider Inmate Calling Solutions (ICS) only charges \$2.55 for a 15-minute collect call. If a call is pre-paid, GTL offers a \$2.25 flat rate for a local call in Peoria County. The rates can also vary widely for a single provider. In Lake County, Securus charges only \$2.50 for a 15-minute call made with a debit card. Yet in Kendall County, Securus charges \$8.60 for the same debit call.
6. In a number of counties, as well as in the IDOC, the provider **uses ancillary fees and surcharges to enhance revenue.** In 13 of the 23 counties we surveyed, there are connection fees for each phone call which range from \$2.71 to \$3.99. In addition, several counties have debit and credit card arrangements that include transaction fees, with Sangamon County being the highest at \$9.95 for a single deposit of funds.
7. Most of the counties we surveyed are implementing or **moving toward the use of video visitation.** Securus is also dominant in this technology, with contracts for 7 of the 13 Illinois counties that currently implement video visits. The terms of many of these contracts are disturbing. For example, Securus typically charges a dollar a minute for a video visit and in six of the seven counties where it operates, the contract requires that face-to-face visits be eliminated. Some contracts also include a quota system, which mandates a minimum number of usages of the technology per month.
8. The majority of the contracts we reviewed included **little or no consideration for provision of services for the deaf and hearing disabled.** The few that provided services for the deaf used outdated, overly expensive TDD/TTY technology instead of the cheaper, more efficient videophones.
9. The existing systems for managing phone call access in several state prisons **often precipitate conflict within the population.**

10. The disproportionate incarceration of African Americans in both the state prison and county jails means that lack of access to phone communications has a **disproportionate negative impact on African American families and communities.**
11. That the cost of prison phone calls has been the focus **of considerable social justice campaigning** in the past in our state.

Our findings reinforce how essential phone communication is for incarcerated people and their families. As one formerly incarcerated person in Urbana remarked: “It’s not just the person inside, it’s the family members, the loved ones, that are doing that time together. They need to be connected and communicate with each other in order to manage to do that time, to get through that time.”

Yet families often are forced to limit contact to be able to pay other bills. Nancy Willamon, whose son was in several Illinois state prisons explained the trauma of not being able to afford to receive calls, “It’s an emotional trap they put you in. So when I wouldn’t take his call I would feel horrible, then he would feel horrible, because he couldn’t understand why I wasn’t taking his call.”

The geography of prisons in Illinois further complicates the situation. Chicago resident Miguel Saucedo, whose brother has been in prison for twenty years, described the situation: “Since most of the prisons are located in down south Illinois, and most of the communities that the prisoners come from are in Chicago, it’s really hard for us to go visit our family members who are locked up downstate. So the only other means of communication is to receive phone calls.”

These and other comments from telecommunications users reinforced our quantitative research findings and helped inform the recommendations presented below.

RECOMMENDATIONS

Therefore, based on our findings, below we summarize our recommendations in response to specific points where comment was requested in the second further notice and the media release of October 17. They are presented in more detail in the body of the report included in this submission. Our findings support action by the FCC to:

1. Establish a permanent rate cap on intrastate calls of no more than 5 cents per minute. This is in line with current best practice in states like New York and New Mexico.
2. Use its designated powers to eliminate site commissions.
3. Use its authority to eliminate all ancillary fees, including per-call connection fees as well as charges to open, close or deposit money in debit accounts.
4. Mandate the inclusion of a minimum number of free minutes for all those incarcerated, paying special attention to the needs of those who are parents of minor children.
5. Mandate the inclusion of telecommunications provisions for the deaf in all prison and jail phone contracts and promote the use of video phones instead of outdated TDD/TTY technology.
6. Eliminate any contract stipulation for video visits which mandates the elimination of face-to-face visits as a condition of installing video visit technology.

7. Eliminate any contract stipulation for video visits which sets a quota for usage of the technology either for the individual or for the institution.
8. Investigate video visitation costs and set a rate cap which ensures access to all people while providing a reasonable profit for the provider.
9. Implement the agreed upon changes with regard to rate caps, site commissions and ancillary fees within 90 days after finalizing the decision.
10. Establish a body that includes prison telecommunications users tasked with periodic monitoring and evaluation of changes made to prison and jail phone services as a result of the Notices of Proposed Rulemaking to ensure their effective and efficient implementation.
11. Establish and promote guidelines for correctional institutions which highlight critical steps to ensure access to phones and eliminate potential conflict over phone access.

We thank you for considering our findings and recommendations and hope that you will rigorously review the detailed report and documents enclosed. Please feel free to contact us further for any information or explanation we may be able to provide.

Sincerely,

Danielle Chynoweth, Brian Dolinar, James Kilgore, Sophia Lewis and Martel Miller

For The Illinois Campaign for Prison Phone Justice

Response to Second Further Notice of Proposed Rulemaking WC Docket No. 12-375 From The Illinois Campaign for Prison Phone Justice

From August to December 2014 the Illinois Campaign for Prison Phone Justice has obtained phone contracts for 23 of Illinois's 102 counties, as well as the contract for the Illinois Department of Corrections. We have obtained most of these documents via Freedom of Information Act requests. The counties we have covered include the ten largest counties in the state and altogether comprise about 83% of the state's population.

In addition, we have spoken with dozens of those critically impacted by prison and jail phone services, both people who were formerly incarcerated along with family members and loved ones of the incarcerated. We also conducted formal interviews with 17 of these people.

Furthermore, we produced a film, *Kick the Kickbacks*, which includes video interviews with many of those with whom we have spoken. The film argues for the importance of phone calls to those incarcerated and their family members, highlights the difficulties presented by currently excessive phone rates, and makes the case for lower rates via intervention by the Federal Communications Commission.

This report is divided into three sections. In the first section, we include our findings as they respond to the specific requests for comment from the FCC. In section 2, we include additional points which are relevant to the FCC's deliberations that emerged in the course of our research. Both Sections 1 and 2 include specific recommendations for action by the FCC. Section 3 presents appendices, which includes a spreadsheet that summarizes the county contracts (Appendix A), a number of other relevant documents such as extracts from phone service contracts, a profile of Securus's activities in Illinois and historical documents relating to past struggles for prison phone justice in Illinois. (Appendices B through P)

Section 1: Responses to FCC requests

Summary: The Market Mechanism: Our research shows that the market mechanism is a total failure in Illinois. On the one hand the market is monopolized by Securus Technologies; on the other hand there is no consistency in rates charged and or apparent links to actual costs. Illinois seems to present a classic case of what the FCC refers to as the "reverse market mechanism" where the provider is chosen on the basis of offering the highest site commission rather than the most efficient and effective service. Moreover, in some instances, rates were unclear, presented in a confusing manner, or even apparently unknown to the implementing authorities. Furthermore, a range of ancillary charges such as call

connection fees and debit card deposit levies increase the cost and the lack of transparency in these operations.

Our findings and commentary:

a) Rate Caps

We studied phone contracts from 23 counties in Illinois, focusing on counties with the largest jail populations and those that had acquired new video visitation technology. Our study revealed a wide disparity of rates across the state due to an unregulated market (see Table 1 below). In Sangamon County, home to Springfield, the state capital, provider Pay Tel charges \$17.34 for a 15-minute collect call. (see Appendix B for documentation). By contrast, in Champaign County, provider Inmate Calling Solutions (ICS) only charges \$2.55 for a 15-minute collect call. (see Appendix C) If a call is pre-paid, provider Global Tel*Link (GTL) can offer a more affordable \$2.25 flat rate for a local call in Peoria County, (see Appendix D), whereas the same call from McLean would incur a bill of \$10.85. (Appendix E) The rates can also vary widely for a single provider. In Lake County, Securus charges only \$2.50 for a 15-minute call made with a debit card. (Appendix F) Yet in Kendall County, Securus charges \$8.60 for a similar debit call. (Appendix G)

In several of the contracts we obtained, a schedule of rates was not included. (Appendix A) When we followed up with one of them, Boone County, they could not provide the rate information and directed us to the provider, Securus. Either Boone County authorities were unwilling to supply the information, or they were unable to because they did not themselves know. This is a disservice to consumers who deserve to know how they are being charged. Sheriffs and county administrators are also at a disadvantage if they are kept in the dark about rates in other counties. When counties do not know the industry standards, companies can easily take advantage of their ignorance. Best practice means that rates should be clearly stated in contracts and available online.

Table 1: Illinois Phone Call Charge Disparities

	Highest	Lowest
Standard 15 min collect call	Kankakee (Securus) \$17.34	Champaign (ICS) \$2.55
15 minute pre-paid call	McLean (Securus) \$10.85	Peoria (GTL) \$2.25
15 minute debit call with Securus	Kendall \$8.60	Lake \$2.50

Securus: A Virtual Monopoly

The absence of regulation in the market has contributed to the development of a near monopoly in carceral phone services in our state. Securus is virtually able to set the rules and rates for itself. According to material supplied by Securus as part of a response to an RFP in Illinois’s Tri-Counties (Appendix H) it has almost 80% of the phone contracts in counties across Illinois (76 out of 102 counties). Additionally, they are the sole provider for the Illinois Department of Corrections. This control of the market has allowed the firm to outbid competitors by offering large commissions and subsequently set arbitrary pricing scales, using its monopoly power to maximize profits at the expense of consumers.

Recommendation 1: The FCC should impose rate caps on all intrastate calls and facilitate a mechanism that would ensure transparency for consumers in terms of charges and billing. This cap should be no more than 5 cents per minute, in line with the current best practice in New York and New Mexico.

b) Site Commissions and other Bonuses

An examination of commissions, or “kickbacks,” in Illinois reveals several contracts offering counties percentages well above the market level of 47.79%. They include Kane (79%), Kendall (62%), Lake (75%), Macon (68.5%), McHenry (68.5%), St. Clair (68%), and Will (70%). The greater commissions typically go to counties with large jail populations. For the companies holding these exclusive contracts the profits increase exponentially. Securus has two of the biggest contracts in the state—Illinois Department of Corrections (pop. 48,902 as of October 1, 2014) and Cook County (pop. 10,151 as of September 2, 2014). As noted above, this leads to irregular market phenomena.

Overall, commissions allow companies to secure large profits at the expense of incarcerated people and their loved ones, while providing payouts to county governments for which there is little or no accountability. Cook County, which runs the largest jail facility in the state and one of the largest in the country, reduced commissions in late 2012, but still collects an estimated two million dollars a year from kickbacks. In one of the collar counties around Chicago, Lake County (840 jail beds), where Securus has the contract, the county received \$469,000 in commissions in 2013. Moreover, in the 2014 contract with Securus, Lake County was guaranteed a minimum commission of \$500,000 for the first year and \$441,755.20 for the second year. (See Appendix I) Another collar county, DuPage County (988 jail beds), where Public Communications Services (PCS) has the contract, makes more than \$500,000 in 2013 in commissions. Winnebago County (1212 jail beds), home to Rockford, is promised a minimum half a million dollars in commissions from PCS as part of their contract. In St. Clair County, home to East St. Louis, Securus awarded \$394,000 in commissions for 2013.

The ICS contract with Champaign County is the only one in Illinois that offers no commissions. This is a result of a campaign by community organizations in 2004-2005, which will be discussed below. The Champaign County example proves that commissions are not necessary to provide service. The county has still been able to maintain its phone services, and even add a video visiting system, also with no commissions.

Other Bonuses and Perks

Companies offer special perks to win contracts. Securus attempts to seize greater control of the market by offering counties increased commissions for longer contracts. In a 2014 RFP to the Tri-County Detention and Justice Center, Securus offered an increase from 55% to 61% commission if the county would agree to a longer five-year contract, as opposed to a three-year contract. In the proposal, Securus also promoted its Correctional Officer Memorial Fund, another pool of money collected from phone calls.

In a 2013 contract with Macon County, the provider Consolidated Communications offered a \$30,000 “signing bonus,” and a \$20,000 equipment fund for purchasing weapons. Additionally, they threw in an

increased 5% commission on debit card calls, plus 1000 debit cards for trustees. (See Appendix J) A similar procedure applied in Kendall County where a \$10,000 signing bonus was added as a sweetener by Securus.

When the contract came up for renewal in Boone County in 2013, Securus increased commissions from 45% to 55% to maintain the exclusive contract. In Kankakee County, Securus promised to raise commissions from 55% to 57% if the average daily population grew by 100. (See Appendix K)

State prison site commissions

The prize plum in carceral telecommunications in Illinois is the Department of Corrections contract. Securus won that competition in 2012 through an IDOC-designed bidding system that gave 55% weight to level of commission offered. Securus responded by putting forward a commission of 87.1%, winning the competition from the much smaller, locally-based firm Consolidated Communications which had held the previous contract with a commission rate of 56%. The level of the site commission actually turned out to be in violation of state codes. In August of 2013, the Illinois Commerce Commission ruled that inmate-only telephone services were subject to, among other things, the maximum rates and charges provided for in the state Administrative Code and ordered the commission reduced to 76%.

Site Commissions: Where Does the Money Go?

Our research revealed the arbitrary nature of the site commission. Moreover, these price increases have devastating effects on the families of the incarcerated, the overwhelming majority of whom are poor. Miguel Saucedo estimated that his “working class” family had paid roughly \$20,000 for phone calls from his brother over two decades of incarceration. More than half of that money went back to the Department of Corrections as site commissions. Chicago’s Carmen Camarillo told us that one of her friends used to steal items from stores in order to pay the phone bills for calls from her children’s incarcerated father. Although the friend acknowledged the risk, she argued that was the only way she could ensure that her children would be able to speak to their father as they could not afford the traveling costs to visit.

Apart from these negative effects of site commissions, the ways in which this revenue is dispersed remain extremely opaque and controversial. In most jurisdictions, the dispersal of site commission revenue remains at best unclear. Most county authorities did not respond to the question in our FOIA request concerning how the commission revenue is used. However, we did receive a few responses. Some claimed to use the money for the welfare of the inmates, and others said it went into an unaccountable general fund. Not one county could provide precise accounting for how site commissions are spent.

The Sangamon County Sheriff’s Office told us the funds go into an Inmate Trust account that pays for, “items such as books for the inmate library, cable television, internet access for them to research an online law library.” The Public Building Commission in St. Clair County deposits the revenue into a general fund for jail maintenance. The Winnebago County Sheriff’s Department hands the commissions over to the county’s general fund.

We were told that the IDOC “does not maintain or possess records” about the \$12 million (2012 figure) they take in from commissions. The funds are deposited into the General Assembly’s 523 Fund, about which there is no public information. According to IDOC records, only the commissions from the commissary go into the Inmate Welfare Fund.

Regardless, the notion of how commissions are spent and the nature of Inmate Welfare Funds provoked considerable suspicion and animosity among the formerly incarcerated people with whom we spoke. Gregory Koger, who spent more than ten years in IDOC, said any claim that millions in kickback fees are being used for the benefit of prisoners is “laughable.” He noted the decline of prison programs over the years, “Educational opportunities have been decimated, and recreational and other programs eradicated.” Rather than provide assistance, kickbacks “further deprive prisoners of the ability to communicate with friends and family on the outside.” Michael Fore, who spent many years in a variety of facilities, said “I don’t think they want us to know how they spend that money.” Another man who spent twenty years in a number of IDOC facilities but who preferred to remain anonymous, said that at his prison, the staff used the Inmate Welfare Fund to buy new exercise equipment for themselves, then gave the used equipment to the prison population. While the accounts of these men are difficult to verify, they do highlight the impact of the lack of transparency on the level of trust and security within the institutions.

Despite such controversy, the exorbitant percentage rates of site commissions and the amounts of revenue they create for corrections authorities, are relatively marginal in the big picture. As the FCC has pointed out, such revenues typically constitute less than 1% of the income for corrections authorities. This pattern applies in Illinois as well. According to a 2010 study by the Vera Institute, the total costs of operations for the IDOC came to approximately \$1.7 billion. In that same year, site commissions totaled \$10,940,246 or 0.6 percent of total expenditure.

Hence, while site commissions lead to punitive cost increases and feelings of disempowerment for consumers, the absence of site commission revenue would have a negligible impact on the finances of corrections authorities. We concur with the FCC’s comment in this regard on page 12 of the Second Further Notice: “What appears to be of limited relative importance to the combined budgets of correctional facilities has potentially life-altering impacts on prisoners and their families.”

Moreover, the financial incentives provided to corrections authorities, especially local sheriffs, actually provide a motivation to increase incarceration, particularly in cases like Kankakee County where Securus offered a bonus for increasing the jail population by 100.

Recommendation 2: The FCC should eliminate all site commissions as well as any “bonuses” for contract signing. Prison phone contracts should reflect the actual costs of the service which include a reasonable profit for the provider, but not incorporate exorbitant superprofits and kickbacks to corrections facilities or departments. The elimination of site commissions would not only make calls more affordable but also increase transparency in the operation of the prison phone business.

c) Ancillary fees

Ancillary fees are the norm in most Illinois phone contracts. Thirteen of the 22 counties we surveyed had connection fees for each phone call in the amount of \$2.71-\$3.99 (in addition to a per-minute fee). Many also included a number of other charges that quickly mount up. For example, there can often be a

transaction fee for debit and pre-paid accounts, costing as much as \$9.95 in Sangamon County for a minimum \$25 deposit.

It is difficult for many users to see all of these additional fees. Several Securus contracts include fees to get a receipt for the bills. Cook County charges \$2.49 for a monthly billing statement. (See Appendix L) Lake County and Tri-County both charge \$3.49 for a billing statement. Such practices are not in line with the standard in other service industries, including mobile and residential telephones.

In some instances, costs for new software to monitor phone calls are passed on to the consumer. In Adams County, the Securus contract includes a fee of \$.25/call for “THREADS” a metadata software program that claims to have the ability to detect fraternization between inmates and correctional staff, identify likely leaders of criminal organizations, and collect information from cell tower dumps. In Boone County, Securus provides Location Based Services (LBS), software that tracks mobile phone calls, at an additional fee of \$.25/call. In Kankakee County, Securus charges \$.22/call for LBS, fees that are non-commissionable and go entirely to the provider. In addition to its “THREADS” fee, the Adams County contract leaves the door open to a range of possibilities by adding an asterisk in their rate grid which notes: “Fees may not be included in below rates.”

Overall our findings indicate that the pervasive presence of ancillary fees adds to consumer costs and contributes to the general lack of transparency in the system.

Recommendation 3: The FCC should eliminate all ancillary fees, including call connection fees, additional charges to deposit money in an account or to receive a bill, and the costs of implementing new software. All of these should be factored into the costs of the calls, as they are the normal functions of a telephone service provider, not additional features or specialized services.

- d) **Ensuring that inmate calling services are accessible for “all Americans, including inmates and families with disabilities”**

Access for the Indigent

The FCC itself has indicated the importance of telecommunications access for incarcerated people and their families. Special note has been taken of the importance of telephone access for incarcerated juveniles as well as for those in prison and jails who are parents of minor children. Greg Gaither, a Chicago resident we interviewed, worked for several years as a counselor in a juvenile detention facility as well with incarcerated and formerly incarcerated adults. He stated that the phone call is “the most important piece of communication going on in the system.” Despite the importance of these phone calls, the present system with unregulated per-minute rates, site commissions and ancillary fees offers no option for the indigent. Indeed, most all of the phone contracts we have reviewed offer no free minutes for indigent callers and no free minutes for juveniles. Ultimately this is an additional poverty penalty, further undermining the family structure in low income communities.

Recommendation 4: The FCC should mandate the inclusion of a minimum number of free minutes for all those incarcerated, paying special attention to the needs of juveniles and those who are parents of minor children.

Provision for People with Disabilities and Deaf People

Apart from neglecting access for people of low income, many contracts fail to include provision for phone access for people with disabilities and deaf people who are incarcerated. While the IDOC and Cook County contracts include provision for TDD/TTY devices, contracts in several large counties (DuPage, Peoria, Will, Winnebago) make no mention of these or other telecommunication devices for people with disabilities. Neither the IDOC nor Cook County contracts contain specific guidelines for allocating extra time for calls using TDD/TTY. In its recommendation on inmate calling services of August 2, 2013 the FCC Consumer Advisory Committee specified the need to “encourage prisons to proportionally grant more calling time for calls using TTYs or relay devices” as well as promoting a proportional decrease in per call rates in order to ensure equity for those using these modes of communications.

Moreover, even the technology being employed by IDOC and Cook County has long since been replaced by more effective and reliable telecommunications. The FCC's own 2013 Emergency Access Advisory Committee Report indicates that TTY/TDD accounts for only 12% of the total relay call volume and that it has been rapidly falling out of use in the deaf community, with usage decreasing by 10% per year. The report recommends the phasing out of such technology to be replaced by video phones. Remarkably, according to the advocacy group, Helping Educate to Advance the Rights of the Deaf (HEARD), ICS providers that do provide TDD/TTY devices often pay to rent them at fairly expensive rates and many are underutilized. Alternatively, the preferred technology, videophones, is available at no cost to the ICS providers or prisons from video relay service providers.

Ensuring continued access to phones for all incarcerated people demands that the FCC apply the insights from its own advisory bodies to the question of prison and jail phone services as part of the present process. Moreover, as many commenters have pointed out, the Americans with Disabilities Act and other laws protecting the rights of people with disabilities necessitate proactive measures by the FCC to ensure that all correctional facilities and ICS providers provide “reasonable accommodations” under the ADA to ensure that all prisoners--regardless of disability status--have equal access to telecommunication.

Recommendation 5: The FCC should mandate the inclusion of provisions for telecommunications devices for people with disabilities and the deaf in all prison and jail phone contracts. Furthermore, the FCC should follow the recommendations of its own advisory bodies with regard to adjusting time and charges for those who use any relay technology; and require all facilities and ICS companies to deploy appropriate devices such as free videophones, and other auxiliary aids in prisons and jails.

e) Video Visitations

Video visitations are a growing trend in Illinois, and the nation. We were able to confirm a least 13 counties in Illinois that had installed video visitation systems. Video visits from home can be of great benefit to families, especially for the many who live in Chicago and visit their loved ones incarcerated

downstate, up to a six hour drive away. There are also disparities in commission percentages for video across the state. Securus typically offers 20%, while in one county ICS offers 79%, the same as its phone agreement. Again, Champaign County has the lowest rates for video, with ICS charging \$10 for a 20 minute visit, without offering a commission. While it has advantages, video is significantly more expensive for customers and promises greater profits for providers.

Securus has the most expensive and restrictive contract which again takes advantage of its exclusive arrangement to push families to video visits and maximize profits. Securus has contracts with seven counties (Adams, Boone, Henry, Kankakee, Tazewell, St. Clair, and Whiteside) for video in which they charge \$20 for 20 minutes, and \$40 for 40 minutes, or one dollar per minute. Six of these contracts (all except Whiteside County) include the elimination of face-to-face visits and the use of video for all on-site visits. This forces families to rely completely on the company's exclusive services.

The Securus contract with Kankakee County most aggressively markets video to families. It states explicitly the goal of having all those incarcerated in the jail signed up to do a minimum of one paid remote video visit per month within the first six months of installation. This lays out the possibility of a "quota" system where both staff and people inside the jail will be under pressure to ensure more use of the video visitation system, largely at the expense of already financially stressed families.

An FAQ from Securus for the Adams County Jail lays bare the depersonalized experience of the video visit. According to the FAQ, family and friends can either visit the jail for a few limited hours each week, or they can make "unlimited" visits from home. If visitors go to the jail, they can only see their loved ones through a metal box with a screen and phone receiver, as pictured in the FAQ. If they have a computer, high speed internet, and a web cam, they can visit from home. (See Appendix M) What is not mentioned is that visitors no longer have the right to in-person contact of any kind. What they are told is "Participation in video-visitation is a privilege, not a right." While video visits may save the sheriff's staff time and hassle, they potentially negatively impact personal contact between incarcerated people and their loved ones, relationships that are essential to an individual's rehabilitation. Moreover, use of the technology from home requires access to high speed internet, which given the income profile of most people in jails, cannot be an assumed presence.

Recommendation 6: The FCC should bar any contract stipulation for video visits which mandates the elimination of face-to-face visits as a condition of installing video visit technology.

Recommendation 7: The FCC should bar any contract stipulation for video visits which sets a quota for usage of the technology either for the individual or for the institution. Use of video visits should be an option, chosen by the consumer, not done under coercion.

Recommendation 8: The FCC should investigate video visitation costs and set a rate cap which ensures access to all people while providing a reasonable profit for the provider.

f) Enforcing the Rules

The changes put forward in our recommendations require immediate implementation. Given the relative small percentage of corrections income deriving from phone services, a quick transition to rate caps as well as the elimination of site commissions and ancillary fees would be manageable. In terms of

impact on the providers, the fact is that they have been riding a wave of profits from this industry for years. A transition to a normal profit rate is in fact long overdue.

However, once these changes have been put into effect, the FCC must take the responsibility to evaluate their success in terms of enhancing communication, promoting affordability and advancing equity. This requires the setting up of a body with the specific mission of evaluating and monitoring the changes put in place as a result of the process driven by the Notices of Proposed Rulemaking on WC Docket No. 12-375 with respect to both Interstate and Intrastate calls.

Recommendation 9: The FCC should implement the agreed upon changes with regard to rate caps, site commissions and ancillary fees within 90 days after finalizing the decision.

Recommendation 10: The FCC should establish a body tasked with periodic monitoring and evaluation of changes made to prison and jail phone services as a result of the Notices of Proposed Rulemaking to ensure their effective and efficient implementation. This body should include both formerly incarcerated people, their loved ones and others who have been directly impacted by the operations of carceral telecommunications.

Section 2: Other Issues

In the course of our research we uncovered a number of trends, issues and challenges which, while not specified as areas of comment in the FCC call, nonetheless bear important relations to those areas and to the aim of the FCC to implement policies which ensure that “calling services are accessible for all Americans” while providing a high quality service within the framework of the profit requirements of providers.

These findings are:

Dropped calls

Virtually all of our interviewees, users of both prison and jail phones, complained about the frequency of dropped calls. These require a payment of a second connection fee to resume the call after being cut off-thus boosting the profits made from the calls. Mary Haywood-Benson, a user of IDOC phones services for more than 27 years, stated that every time she received a phone call from another party while she was speaking to her son in the prison, the call from the prison would be instantly cut, apparently as a result of an automatic software program designed to detect illicit three-way calls. Other IDOC users expressed similar frustrations. Terri White, whose son was in Champaign County jail, also noted the cutting off of calls not only when another incoming call took place but also if there was a loud noise either in her house or in the jail day room. The FCC should consider a review of the existing third-party detection software with a view to ensuring the most effective programs are being employed.

Racialized nature of phone injustice

Illinois has one of the highest rates of disproportionate incarceration of African Americans in the country. While comprising a mere 15% of the state’s population, African Americans occupy 58% of the places in Illinois Department of Corrections prisons. Similarly, in county jails, African Americans presence

is extremely disproportionate. In Champaign County, for example, which has an African American population of 13%, a two-year study of the jail population showed that the level of African American presence never dipped below 50% and reached as high as 69%. The failure to provide accessible and affordable phone services in prison and jails has deep racial implications, further disadvantaging African Americans in a criminal justice system which already disproportionately incarcerates their ranks. Hence, the achievement of prison phone justice is a measure of racial justice as well as for broader social justice.

Prison phone systems as a source of conflict

A number of formerly incarcerated people with whom we spoke noted that access to phones often becomes a source of conflict, even leading to physical fights, in many prisons. This situation becomes especially acute when the number of phones is limited and people have severely restricted times during which they can use the phone. For example, one person who served several years in Danville Correctional Facility, told us that on average people were only let out of their cells for about two hours a day. Typically people lived in units with 100 people and three phones. This meant that there was often a long line to use the phone at accessible times, with many people simply not getting a chance to speak with their loved ones. While this may not be an immediate concern of the FCC, in the future the Commission should consider researching best practice for the administering of prison phone systems and share that best practice with phone service providers and institutions. A simple, though only partial solution to this issue would be to require a certain number of phones per capita in an institution.

Recommendation 11: The FCC should establish and promote guidelines for correctional institutions which highlight critical steps to ensure access to phones and eliminate potential conflict over phone access.

History of Campaigns for Prison Phone Justice in Illinois

The issue of prison phone justice is not new in Illinois. A number of residents have targeted this issue. Perhaps the most important intervention was a campaign in Champaign County in 2004-2005, led by Champaign-Urbana Citizens for Peace and Justice (CUCPJ). Through a variety of actions CUCPJ succeeded in negotiating an end to site commissions in the local jail. As a result, Champaign County has the lowest phone rates of any jail in the state. Moreover, as a holdover from this campaign, the county has set up a video visitation system that also has no site commissions. (See Appendix N) Similar locally-based efforts could greatly complement the work of the FCC.

Another struggle over this issue emerged in Chicago's Cook County over the re-negotiating of the Securus phone contract with the county jail. A number of organizations, led largely by the Rev. Jesse Jackson's Operation PUSH, brought this to public attention. In a November, 2012 blog posting Rev. Jackson referred to what he called a prison phone system that constitutes "a cash cow for the phone companies — and a brutal exploitation of the families of prisoners who pay the charges." (See Appendix O) Their efforts to block Securus were unsuccessful in preventing Securus from winning the contract but did result in a reduction of site commissions.

In Stateville Prison in 2012, a number of visitors and people incarcerated within the prison, attempted a campaign to boycott the use of prison phones. Chicago resident Ibi Cole, who had a loved one

incarcerated in Stateville at the time, was one of the organizers. In an interview with us she linked exorbitant phone rates to broader issues in the criminal justice system. “Phones play their part in encouraging mass incarceration,” she stated, “in my logic, in order to discourage corporations from using these systems you’d have to starve it out until they are government operated.” Her efforts gained some support among visitors and an article in the prison publication, *Stateville Speaks*, (see Appendix P) but never gained sufficient traction to threaten the phone contracts.

Lastly, Chicago Representative Bobby Rush, has been putting forward a bill for prison phone justice in the U.S. Congress every year since 2007. Entitled the Family Telephone Connection Protection Act, the bill would ban site commissions and cap per-minute calling rates. Though the bill has yet to pass, Congressman Rush’s efforts represent a popular concern about the excessive financial charges for prison and jail phone calls.

The presence of this historical interest in prison phone justice potentially translates into popular, grassroots support for FCC efforts to cap phone rates, eliminate site commissions and ancillary charges and implement a number of the other recommendations put forward in this document. It shows that a core of people “on the ground” could monitor whether FCC rules are being implemented and the effects they have. While we recommended above that the FCC put in place a body to review the implementation and impact of any changes they implement, we also recommend this body stay in contact with those who have been organizing for prison phone justice over the years to ensure that changes made will be lasting and genuine.

Section 3: Appendices (attached as pdf)

Table of Appendices:

A-Spreadsheet Summary of Phone Contracts in 23 Illinois Counties

B- Sangamon County- Contract Excerpt Showing Highest Rate in the State for a 15 Minute Phone Call

C- Champaign County - Contract excerpt showing cheapest collect call

D- Peoria – Contract excerpt showing cheapest local pre-paid call

E-McLean County – Contract excerpt showing complex schedule of rates

F-Lake County- Contract excerpt of Securus \$2.50 charge for 15 minute debit card call

G-Kendall County – Contract excerpt showing the highest debit rate

H- Map provided by Securus of county phone service contracts in Illinois

I- Lake County-Contract excerpt showing kickback guarantees

J-Macon County- Contract excerpt showing signing bonus

K- Kankakee County-Video contract excerpt with commission incentive for increasing jail population

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M-Adams County- FAQs on Video Visits

N- Champaign County- Article on successful campaign to eliminate site commissions

O- Jesse Jackson blog on jail phone contracts

P- Article from Stateville Speaks on 2009 campaign to boycott prison phones