



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

October 23, 2012

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

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

Dear Secretary Dortch:

We, the undersigned organizations, are contacting you in reference to CC Docket No. 96-128, commonly known as the “Wright Petition,” to urge the FCC to take remedial action with respect to inflated prison phone rates that serve to enrich prison phone companies and the government agencies with which they contract, to the detriment of consumers.

The problems associated with the prison phone industry are well-documented and are described in pleadings and other *ex parte* comments entered on the docket for the Wright Petition. In brief, the prison phone industry is based on a monopolistic model in which companies bid on contracts to provide phone services for entire state prison or county jail systems. As an incentive to obtain such lucrative contracts, prison phone companies provide “commissions” – kickbacks – of up to 60% of gross prison phone revenue to the contracting agency.

According to an investigative article published by *Prison Legal News* (a project of the Human Rights Defense Center) in April 2011, more than 40 states accept kickbacks from prison phone companies, averaging 42% of gross prison phone revenue, that total over \$143 million annually – not including federal prisons, immigration facilities, private prisons and jails.

This enormous amount of kickback revenue largely comes from prisoners’ families, who are overwhelmingly the ones who pay for prison phone calls either by accepting collect calls from their incarcerated loved ones or by funding prisoners’ debit and prepaid phone accounts. It is primarily the kickbacks that result in the high phone rates paid by consumers who accept calls from prisoners, as evidenced by the generally lower rates in the eight states that have banned commission payments, including Michigan, New York and Nebraska.

The Wright Petition seeks to remedy some of the inequities visited upon consumers who accept calls from prisoners by establishing benchmark rates that cap the cost of interstate prison phone calls. Currently, the cost of interstate prison phone calls ranges up to more than \$17.00 for a 15-

minute call. It is less expensive for a consumer in the U.S. to call China than it is to accept a collect phone call from a prisoner in another state.

Despite the self-serving claims of prison phone companies such as Global Tel*Link, Securus and CenturyLink, expensive security features are not the cause of the exorbitant phone rates paid by prisoners' families. In New York, the prison phone rates are \$.048 per minute for local, intrastate and interstate calls, inclusive of all security features required by New York corrections officials. Even in Texas, prison phone rates are relatively low in comparison with other states that accept kickbacks, at \$.23 to \$.43 per minute inclusive of all necessary security features.

In short, high prison phone rates are a form of price gouging that mainly affects prisoners' family members – who have *no other option* but to pay the rates if they want to hear the voice of their incarcerated loved one, due to the monopolistic nature of the prison phone industry. Phone calls are the primary means of communication for many prisoners and their families, because many prisoners are illiterate or functionally illiterate and thus do not write letters, and many prisoners are held in distant facilities, which makes in-person visitation difficult. Further, telephone calls are the only effective alternative means of communication between imprisoned parents and small children who cannot read or write. Research indicates that family contact during incarceration leads to greater post-release success for prisoners, and thus less recidivism. High phone rates that economically limit family contact frustrate that positive outcome.

Hundreds of people have filed comments on the docket for the Wright Petition, calling on the FCC to regulate the prison phone rates that prisoners' families are required to pay. Notably, the **only** ones satisfied with the status quo are the phone companies that profit from the high rates and corrections departments that profit from the kickbacks they receive from such companies. Outside of those with a financial interest in the prison phone industry, the consensus – ranging from concerned members of Congress and editorials in the *New York Times* to thousands of affected consumers nationwide – is for reform of exorbitant prison phone rates.

It is time for the FCC to follow its mandate to ensure "reasonable charges" for consumers in the telecommunications market by acting on the Wright Petition, which has been pending before the FCC since 2003. During that period of time prison phone companies have profited enormously while the government agencies with which they contract have received hundreds of millions of dollars in kickbacks – all at the expense of consumers forced to pay inflated phone rates in order to speak with their incarcerated loved ones. This proves the axiom that justice delayed is justice denied.

In no other industry or context would this be acceptable, nor is it acceptable in this context. We, the undersigned organizations, therefore call upon the FCC to take an initial step to remedy the abuses of the prison phone industry by acting on the Wright Petition and establishing reasonable benchmark rates for interstate prison phone calls. The longer the FCC waits to take action, the longer justice will be denied to consumers victimized by high prison phone rates.

Thank you for your time, attention and consideration in this regard;

Sincerely,



Paul Wright.
Executive Director, HRDC

Supporting Organizations:

180 Degrees, Inc.
American Friends Service Committee
Architects/Designers/Planners for Social Responsibility
Black & Pink
Black August Organizing Committee
Black Student Alliance at Yale
Coalition for Prisoners' Rights
College and Community Fellowship
Colorado Criminal Justice Reform Coalition
Correctional Association of New York
Demos
Drug Policy Alliance
Families to Amend California's Three Strikes
FedCURE
Florida Justice Institute, Inc.
Fortune Society's David Rothenberg Center for Public Policy
Grassroots Leadership
John Howard Association
Johnson & Brennan, PLLC
Just Detention International
Justice for Families
Justice Policy Institute
Justice Strategies
Legal Aid Justice Center
Legal Aid Society
Lewisburg Prison Project
Michael Hamden
Middle Ground Prison Reform
Minnesota Second Chance Coalition
National CURE
National Police Accountability Project of the National Lawyers Guild
National Resource Center on Children and Families of the Incarcerated,
 Family and Corrections Network
November Coalition
Partnership for Safety and Justice
Pennsylvania Institutional Law Project
Pennsylvania Prison Society
Peter Cicchino Youth Project, Urban Justice Center
Prison Legal Services of New York
Prison Policy Initiative
Prisoners' Legal Services of Massachusetts
Prisons Foundation
Public Interest Law Group, PLLC
Racial Justice Action Center
Real Cost of Prisons Project
Reconciliation, Inc.

Supporting Organizations (continued):

Resource Information Help for the Disadvantaged
Sagewriters and the Global Kindness Revolution
The Sentencing Project
Southern Center for Human Rights
Span, Inc.
Stop Prison Abuse
Sustainability Group
Texas Civil Rights Project
Texas Criminal Justice Coalition
Texas Jail Project
Uptown People's Law Center
VOCAL-NY
W. Haywood Burns Institute
Washington Association of Criminal Defense Lawyers
Women's Prison Association