

Press Release



FOR IMMEDIATE RELEASE

May 18, 2012

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In Joint Letter, Left, Right, and Center Urge FCC to End Practice of Predatory Prison Phone Rates

WASHINGTON, DC – On Friday, May 18, an unprecedented collection of civil rights groups and conservative leaders released the joint letter below to the Federal Communications Commission calling for prison phone rate reform and an end to predatory phone rates.

The letter is signed by 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.

- The full text of the letter and signatories is below.
- [Click here to download an MP3 of the press call that occurred at 10:30 a.m. EST today.](#)

On today's press call, stakeholders on this issue made the following comments:

Wade Henderson, president and CEO of The Leadership Conference on Civil and Human Rights:

“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. 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.”

David Keene, former chairman of the American Conservative Union:

“This makes no sense. This does nothing to further the safety of civil society. It does nothing to help rehabilitate those people who have been removed from that society as a result of criminal convictions. And in fact, it makes it less likely that these people will even be able to reintegrate themselves as useful citizens.”

Pat Nolan, president of Justice Fellowship and former inmate:

“Research shows that intact families are the most important factor in inmates making a successful transition after prison. 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.”

amalia deloney, associate director of the Center for Media Justice:

“This is a fight for the right to call home! Phones are a vital part of our communication system and something most of us take for granted. Yet for incarcerated individuals, phone calls and the connection they provide are treated as an expensive privilege rather than a basic right.”

Lee G. Petro, Drinker Biddle & Reath, LLP, pro bono counsel representing Martha Wright, an FCC petitioner and mother of a prisoner:

“The plight of the families of inmates paying exorbitant telephone rates to remain in contact with their loved ones has languished at the FCC for more than 10 years. With the resolution of 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.”

The full text of the letter and signatories is below.

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May 18, 2012

CAP INTERSTATE PRISON PHONE RATES

Chairman Julius Genachowski

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

RE: Docket No. 96-128, Petitioner Martha Wright *et al.*, Alternative Rulemaking Proposal

Dear Chairman Genachowski:

We write to you as organizations and individuals that represent a wide variety of views on many issues, but that stand united on the need to reduce the exorbitant rates for telephone calls from prisons. Unreasonably high prison phone rates unjustly punish the families of people who are incarcerated, and contribute to rising recidivism rates by deterring regular telephone contact with family members and loved ones. Our diverse groups strongly believe that action on a petition that has been pending before the Federal Communications Commission since 2003 represents a critical opportunity for the Commission to exert its leadership in this area. Accordingly, we urge you to act quickly to address this problem by capping the charges that can be imposed for interstate prison phone calls.

As you are aware from the record that has been compiled at the FCC, the costs of telephone calls from incarcerated people are often extraordinarily high—well beyond what most people in our country pay for telephone service. 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 typical interstate collect call from a prison has a \$3.95 connection fee (regardless of the length of the call), while rates per minute can be as high as almost *90 cents per minute*. This can result in charges of \$10-17 for a 15-minute collect call or \$250 per month for a weekly one-hour call. Prisoners do not bear these costs; rather it is the family members and loved ones outside of prison who pay these extremely high rates.

The high rates are caused by the system used to procure telephone service at correctional institutions. Prisons request bids from competing telephone companies, requiring each bid to include the payment of a fee or commission to the prison in addition to the provision of telephone service. The costs of the calls are passed on to prisoners' families in the form of higher telephone rates, while the prison reaps the benefit of the extra fees and commissions. Thus, prisons have every incentive to choose bids that maximize fees and maximize telephone rates—a clear “moral hazard.” While competition would be everyone's first choice for constraining telephone prices, in this case consumers—prisoners and their families—have no voice in the selection of the carrier. The prison system that does select the carrier actually benefits from the higher rates, leaving the actual consumers as a literally captive market, unable to shop around for lower prices.

Healthy relationships with their families and other members of the community are the most important factor in prisoners' successful return to their neighborhood. Maintaining the bonds of a family and support network is a very effective way to reduce recidivism among inmates, which is an important national goal. The rate of recidivism is at crisis levels in the U.S.; 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. Yet, predatory phone rates discourage regular telephone contact with stable family members and others in the community.

Prisoners' friends and families often provide the only opportunity incarcerated individuals will have to re-connect with a job and a support network that can prevent them from returning to prison. We need more people connecting to those in prison, not fewer. Sound public policy dictates that we should not disincentivize the very behavior that will help us keep families together and in turn reduce future crime.

It does not have to be this way. The U.S. Bureau of Prisons and several states that have rejected these commission payments charge reasonable rates and maintain superior levels of security. A recent study by the Government Accountability Office found that the Bureau of Prisons typically charged less than most state prison systems, yet continued to produce some profit for use by the prison, and also met its security objectives. To illustrate, the Bureau of Prisons charged 6 cents per minute for local calls and 23 cents per minute for long-distance calls, and generated \$34 million in profits in 2010.[\[1\]](#)

In sum, the exorbitant rates paid by prisoners' families increase recidivism, and place an undue and unfair burden upon the innocent. These spiraling costs are not attributable to security needs and cannot be corrected by a marketplace solution. As the only agency with jurisdiction over long distance rates, the Federal Communications Commission is the correct venue to resolve this problem. A firm stance by the Commission, along with recommendations that will help guide the state regulatory bodies with authority over local telephone rates, will provide a strong impetus to improve the situation at every level. Prisoners will be able to be in more frequent contact with their loved ones, and the public will be safer as a result.

For all the above reasons, we urge you to cap interstate prison phone call rates and take up the long-overdue task of protecting a vulnerable population from abusive practices. Thank you for your consideration.

Sincerely,

The Leadership Conference on Civil and Human Rights

ACLU

Rabbi Menachem Katz, The Aleph Institute*

David Keene, American Conservative Union*

Gary Bauer, American Values*

Asian American Justice Center

Chris Cannon, Cannon Industries, Inc.*

Center for Constitutional Rights

Center for Media Justice

Charles Hamilton Houston Institute for Race and Justice

The Constitution Project

Consumers Union

Tom McClusky, FRC Action*

Free Press

Human Rights Defense Center

International CURE

NAACP

Galen Carey, National Association of Evangelicals*

National Council of La Raza

National Hispanic Media Coalition

National Urban League

New America Foundation, Open Technology Initiative

NOW

PolicyLink

Prison Fellowship

Public Knowledge

Rev. Lou Sheldon and Andrea Lafferty, Traditional Values Coalition*

United Church of Christ, OC, Inc.

United Methodist Church, General Board of Church and Society

Washington Lawyers' Committee for Civil Rights & Urban Affairs

*Institutional affiliation listed for identification purposes only.

[\[1\]](#) Government Accountability Office, Bureau of Prisons, Improved Evaluations and Increased Coordination Could Improve Cell Phone Detection at 12-13, GAO-11-893 (September 2011).