



October 15, 2015

Chairman Thomas Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Rates for Inmate Calling Services, WC Docket No. 12-375

Dear Chairman Wheeler:

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned organizations, we write to urge the Federal Communications Commission to ensure residents of prisons, jails and detention centers receive access to reasonable rates for all their telephone calls. We thank you for capping long-distance rates in 2013 and encourage you to quickly complete your current proceeding to ensure the remaining 85 percent of calls—those that are in-state—are also addressed.

Unreasonably high prison phone rates are problematic for a variety of reasons. They:

- **Vastly exceed rates paid by non-incarcerated people.** For example, a 15-minute call can cost up to \$6 in Virginia and Louisiana. Many states charge a per-call fee and an additional 24 cents per minute, even for debit calling when payments are provided up-front, meaning no collection costs are incurred.¹ Fees and ancillary charges include egregious examples such as charging \$8 for each \$150 deposited into a prepaid calling account.²
- **Exploit a market failure depriving consumers the benefit of competition.** While competition would be everyone's first choice for constraining telephone prices, individuals paying for prison phone calls are literally a captive market unable to shop around for lower prices. Instead, correctional institutions select telephone providers. These institutions demand a "commission" or payment from the telephone company chosen, the cost of which is passed on to family members footing the bill. In this case, competition drives prices further and further upward.
- **Unjustly punish the families of people who are incarcerated.** Incarcerated people rarely pay for their own telephone calls. Typically friends and family members submit funds into an account, or accept collect calls, in order to communicate. Thus, these friends, family, clergy, attorneys and others bear the annual \$1.2 billion in telephone costs. As Right on Crime explains, the correctional system should help "preserve families."³

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Michael Lieberman
Anti-Defamation League
President & CEO
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- **Contribute to rising costs of incarceration by increasing recidivism.** Maintaining the bonds of a family and support network is an effective way to reduce recidivism among incarcerated people, which in turn reduces the cost of the criminal justice system. According to a 2011 Pew report, corrections in the states cost about \$52 billion a year nationally and 43 percent of prisoners nationally return to the lockup within three years. Reducing those numbers could save hundreds of millions of dollars per year. 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.
- **Are unnecessary.** A number of state departments of corrections (DOCs) have demonstrated they can provide communications services at reasonable rates. States such as South Carolina, New Mexico, New York and Pennsylvania DOCs charge in-state rates between 4 and 6 cents per minute for a 15-minute call.⁴

Exorbitant rates paid by prisoners' families increase recidivism, place an undue and unfair financial burden, contribute to increasing costs, and are unnecessary. Congress has given the FCC special authority to address telephone rates in incarcerating institutions and it should use that authority to cap in-state prison phone call rates, thereby making our communities safer. Please contact Leadership Conference Media/Telecommunications Task Force Co-Chair Cheryl Leanza, UCC O.C., Inc., at 202-841-6033 or Corrine Yu, Leadership Conference Managing Policy Director, at 202-466-5670, if you would like to discuss the above issues.

Sincerely,

American Civil Liberties Union
Arizona Innocence Project
Asian Americans Advancing Justice | AAJC
Adele Bernhard, Director, New York Law
School Post-Conviction Innocence Clinic
Center for Community Change Action
Karen L. Daniel, Director, Center on Wrongful
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Public Knowledge
Robert F. Kennedy Center for Justice and
Human Rights
Robert F. Kennedy Children's Action Corps
Robert F. Kennedy Juvenile Justice
Collaborative
Robert F. Kennedy National Resource Center for
Juvenile Justice
Rocky Mountain Innocence Center
The Leadership Conference on Civil and Human
Rights
United Church of Christ, OC Inc.
Wrongful Conviction Project, Office of the Ohio
Public Defender

¹ See Comments of the Human Rights Defense Center, Appendix C, FCC Docket WC 12-375 (filed Jan. 12, 2015).

² Prison Policy Initiative, Please Deposit All Your Money (2013).

³ See The Conservative Case for Reform, available at: <http://rightoncrime.com/the-conservative-case-for-reform/>.

⁴ See HRDC Comments, *supra*, at 6.