



November 25, 2019

Nicole Ongele
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Submitted via email: PRA@fcc.gov

Re: Information Collection Being Reviewed by the Federal Communications
Commission, OMB Control Number 3060-1222

Dear Ms. Ongele:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we write regarding the Inmate Calling Service (“ICS”) data collection, as set forth in the Federal Communications Commission (FCC) notice and request for comment pursuant to the Paperwork Reduction Act.ⁱ Since 2012, The Leadership Conference has pressed the FCC to make ICS more affordable to incarcerated persons and their families. We believe it is vitally important to collect data from institutions serving incarcerated persons to prevent incarcerated people and loved ones from falling victim to predatory pricing practices.

Data collected by non-FCC sources indicate that the current costs of communications for incarcerated people are not just and reasonable. According to the Vera Institute, some state prisons charge families up to \$1 per minute for phone calls.ⁱⁱ In Connecticut, an incarcerated person and their family may pay up to \$4.87 for a 15-minute phone call.ⁱⁱⁱ A woman in Pennsylvania spent \$3000 (\$60 per week) on calls in the year following her husband’s arrest because each 15-minute call to him cost \$12.95 (as opposed to 60 cents for a similar non-prison call).^{iv} The Ella Baker Center reported that the high cost of maintaining contact with incarcerated family members drove more than one in three families (34 percent) into debt to pay for phone calls and visits.^v

Without the ability to call their families, incarcerated persons often lose their connections to the outside world while in prison, directly increasing their likelihood of reoffending. A Prison Policy Initiative report found that “Charging pretrial defendants high prices for phone calls punishes people who are legally innocent, drives up costs for their appointed counsel, and makes it harder for them to contact family members and others who might help them post bail or build their defense... [while] also put[ing] them at risk of losing their jobs, housing, and custody of their children while... awaiting trial.”^{vi} Regular, low-cost phone calls, however, guarantee continued connections and allow families to maintain continuity and relationships despite the distance.^{vii} Martha Wright, whose FCC petition ultimately

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Vanita Gupta

prompted important ICS reforms, regularly contacted her incarcerated grandson, Ulandis Forte, and his return to his community was much easier as a result. According to Forte, his return to the outside world was almost seamless because of her weekly calls. "I was able to stay in contact with my grandmother, with the outside world," he stated; "It did a great justice for me."^{viii}

Without comprehensive data that covers all parts of the prison phone system, companies can exploit loopholes in the current regulatory regime. The FCC's ICS data collection program will make the prison phone system more transparent and will support the Commission's work in identifying unjust or unreasonable charges. For example, in 2014, the FCC was able to use data collections to determine that only 10 percent of the ancillary service fees collected by ICS companies were actually justifiable "normal utility overhead" costs.^{ix} The Commission found that 82 percent of those ancillary fees were credit and debit card processing fees.^x More broadly, collecting data from companies serving incarcerating institutions will help the FCC meet its obligation to ensure that families impacted by incarceration have affordable means to speak to their loved ones. The Commission relied extensively on previous data collections when the agency proposed ICS rules in 2015.^{xi}

Comprehensive ICS data collection plays a critical role in informing the FCC's regulation of prison phone rates. We urge the FCC to continue the collection of ICS data. If you have any questions about the issues raised in this comment, please contact Leadership Conference Senior Program Director Corrine Yu at 202-466-5670 or yu@civilrights.org.

Sincerely,



Vanita Gupta
President and CEO
The Leadership Conference on Civil and Human Rights

ⁱ Inmate Calling Services Annual Reporting, Certification, and Consumer Disclosure Requirements, 84 FR 50034 (Sep. 24, 2019).

ⁱⁱ Nuno Pereira, *Families Will Be Negatively Affected by the FCC's New Stance on Phone Calls Behind Bars*, Vera Inst., May 15, 2017, <https://www.vera.org/blog/families-will-be-negatively-affected-by-the-fccs-new-stance-on-phone-calls-behind-bars>.

ⁱⁱⁱ Clint Smith, *While Prisoners Struggle to Afford Calls to Their Families, States Are Making a Profit. This Must Stop Now*, Time Magazine, May 24, 2019, <https://time.com/5595475/prison-phone-calls-connecticut-law/>.

^{iv} Timothy Williams, *The High Cost of Calling the Imprisoned*, New York Times, Mar. 30, 2015, https://www.nytimes.com/2015/03/31/us/steep-costs-of-inmate-phone-calls-are-under-scrutiny.html?_r=0.

^v Saneta deVuono-Powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi. *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center for Human Rights, Forward Together, Research Action Design, Sept. 2015, <http://whopaysreport.org/who-pays-full-report/>.

^{vi} Peter Wagner and Alexi Jones, *State of Phone Justice: Local jails, state prisons and private phone providers*, Prison Policy Initiative, Feb. 2019, https://www.prisonpolicy.org/phones/state_of_phone_justice.html.

^{vii} Sarah Betancourt, *Families want to end prison phone call charges: They say steep costs burden efforts to maintain crucial connection*, Commonwealth Journal, Oct. 22, 2019, <https://commonwealthmagazine.org/criminal-justice/families-want-to-end-prison-phone-call-charges/>.



^{viii} Colin Lecher, *Criminal Charges: [Prison phones are a predatory monopoly. One family fought back — and won](http://www.theverge.com/a/prison-phone-call-cost-martha-wright-v-corrections-corporation-america)*, The Verge, <http://www.theverge.com/a/prison-phone-call-cost-martha-wright-v-corrections-corporation-america>.

^{ix} In the Matter of Rates for Interstate Inmate Calling Services, Second Further Notice of Proposed Rulemaking, 29 FCC Rcd. 13170 (2014).

^x *Id.* at ¶ 84.

^{xi} In the Matter of Rates for Interstate Inmate Calling Services, Third Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015).