



June 18, 2012

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

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in CC Docket 96-128.

Dear Ms. Dortch:

On June 14, 2012, the following individuals met with Christine Kurth in Commissioner McDowell's office and Commissioner Pai and his advisor Gene Fullano: Corrine Yu, The Leadership Conference on Civil and Human Rights; Cheryl Leanza, Leadership Conference Education Fund and United Church of Christ, OC Inc.; Madura Wijewardena and Patric Taylor, National Urban League; Edward Carlson, National Council of La Raza; Chance Williams, Free Press; Ernesto Falcon and Clarissa Ramon, Public Knowledge; and Lee Petro, Drinker Biddle & Reath, LLP, counsel for Martha Wright, *et al.* Mr. Hilary Shelton of the NAACP joined us for the meeting with Commissioner Pai.

We explained that while this issue is a communications policy issue, where the Commission has jurisdiction and expertise, we wanted to also make sure the Commission recognizes the importance of this debate in the context of criminal justice reform. We provided the attached written materials which contain the bulk of our discussion with Ms. Kurth, Commissioner Pai and Mr. Fullano. In addition, we made the following points:

- At the heart of this issue are families who are struggling to maintain contact with their loved ones and provide support to them while they are incarcerated. We are working to call attention to this issue in a wide range of communities. In particular, we found agreement with a number of conservative leaders to write a letter to the FCC asking it to act.
- Communication with families will combat recidivism, which is extremely expensive. A report by the Pew Center on the States found that more than four in ten offenders return to state prisons within three years of being released and reducing recidivism by just ten percent could save the states more than \$635 million in one year. While communication is not a silver bullet, evidence shows it helps to reduce recidivism.
- The Hispanic community believes this is a critically important issue. Approximately 14 percent of Hispanics have received a call from someone in

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Karen McGill Lawson

detention or who is incarcerated, and two-thirds of Hispanics believe the government should take action to reduce exorbitant prison phone rates.

- African-Americans and people of color as a whole are hard-hit by incarceration. Moreover, poverty rates among families of those who are incarcerated are extremely high, meaning that the cost of telephone calls is a significant burden.
- The inconsistency in rates among states demonstrates that the existing rates are not driven by costs---rates in the state of Oklahoma, for example, are very high whereas rates in South Carolina are much more reasonable.
- The market in this case does not drive down rates. Instead, companies offering telephone service in prisons compete to offer the highest commissions to prisons, driving up rates to family members who telephone prisoners.
- This high rate of telephone calls is a tax and a disincentive on behavior we seek to promote. Revenue from telephone calls placed to family members or friends is not an appropriate way to subsidize prison services. Meritorious programs should be supported generally in the same manner as other prison operations.
- A short-term cost of forgoing revenue from telephone costs results in longer terms costs caused by higher rates of recidivism and prisoners who are released but have fewer networks to support their reintegration into society and into working life. For example, South Carolina's recent prison reforms were in large part spurred by efforts to reduce skyrocketing prison costs, which had increased by 500 percent since 1983. Reforms to reduce prison populations saved the state \$350 million.
- Martha Wright is an elderly grandmother who is 85 years old and cannot travel to see her grandson in prison. She may live to see her grandson released before she sees the FCC take action to make costs reasonable for her and others like her. It has been more than 10 years since the D.C. District Court referred this matter to the Commission for treatment "with dispatch."
- Reviews of the RFP process in a variety of states demonstrate that the costs of providing service are not driving these costs. For example, in Missouri, providers bid rates as low as 5 cents per minute. Most functionalities are now automated, so that the marginal cost of adding a prison or other facility are very small. Phone companies contesting the proposed benchmark rates should be required to submit cost data.

We explained we are actively soliciting support from a variety of sectors. Recently almost 1,000



postcards were collected in support of FCC action on this issue and the faith community plans on encouraging its members to call the FCC to support reform. We strongly urged them to support grant of the Wright petition by the end of the year in the form of a final rule this year.

Sincerely,



Cheryl A. Leanza
Policy Advisor, United Church of Christ, OC Inc. and the Leadership Conference Education Fund

Cc: Christine Kurth
Gene Fullano
Nicholas Degani