

March 25, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW Room TW-A325
Washington, D.C. 20554

RE: FCC Proceeding: 12-375

Dear Secretary Dortch and Commission Members:

Pursuant to Federal Communications Commission Rule § 1.1206, the Community Justice Project (“CJP”) submits the following comments in support of a comprehensive resolution of issues related to prisoner telephone services. The *Notice of Proposed Rulemaking* was docketed on December 24, 2012, WC Docket No. 12-375.

Description and Mission of the Community Justice Project

The mission of the Community Justice Project is to create equal justice under the law by engaging in advocacy, outreach, and civic education. Law students in the clinic focus on creating systemic change that will further humanitarian goals. Specifically, the Community Justice Project works to improve the quality of life experienced by members of the African American community in Minnesota through intensive research and advocacy on issues such as racial disparities in the criminal justice system and in the educational and juvenile justice systems. Advocacy related to prison phone justice directly aligns with this mission due to the negative impact of the high costs of prison phone calls on families and communities.

Comments of the Community Justice Project Regarding the Proposal

Costs and Rates

Across the United States, prisoners are incarcerated on an average of 100 miles from their families, making phone calls the only feasible form of communication for many.¹ As of January 2012, there were 9,345 inmates in Minnesota state prisons. In Minnesota, prison telephone

access is primarily limited to collect calls.² Under the state's contract with Global Tel*Link, which provides a 49% commission to the state, the rates for these collect calls are exorbitant, resulting in negative consequences for prisoners, their families, and others.³ Because of the limited resources of both inmates' families and public defenders' offices, policy reform in telephone rates would have a significant impact. To date, twelve states have reduced or eliminated commissions, resulting in considerably lower rates for prison phone calls.⁴

Impact on Children and Families

Children are often the silent victims of their parents' incarceration. There are over 15,000 children with at least one incarcerated parent in Minnesota.⁵ Numerous studies have demonstrated children of incarcerated parents are more likely to be socially withdrawn, and face challenges both at home and at school. The same studies have shown that the best way to mitigate these problems is to allow parents and children to maintain contact during the incarceration period.⁶ Unfortunately, the high cost of prison phone calls makes it difficult for many families to stay in touch.

Successful Re-entry and Reintegration

Studies have shown that maintaining contact with an outside support system, such as loved ones and community members, decreases the likelihood of recidivism for prisoners. These contacts help prisoners successfully reintegrate into society by meeting their basic needs, such as obtaining shelter and strengthening their community connections. This enables prisoners to successfully complete the terms of parole/probation. Therefore, phone calls are one of the most accessible ways for prisoners and their families to remain connected during this transition period.⁷

Impact on Effective Legal Representation

Not only do increased phone call rates affect the relationship between prisoners and their families, but they also create a budgetary hardship for the public defenders that represent incarcerated clients. Some public defenders spend more than \$100,000 a year accepting collect calls from prisoners.⁸ Furthermore, some public defenders' offices require their attorneys to seek

reimbursement through a time-consuming process, taking valuable time away from direct client representation.⁹

A Comprehensive Resolution of These Abuses is Required

The Federal Communications Commission must address the injustices in the administration of the prison phone systems immediately. Given the factors detailed above, the time is now for reform in order to ensure that prison phone calls can serve as an effective and accessible means of communication between prisoners and their families. This will yield residual benefits as recidivism rates are reduced and prisoners make a successful transition back into the social fabric of their respective communities. It is our hope that the FCC will take immediate action by setting reasonable rates for prison phone calls. Additionally, we request that the FCC act without delay despite Chairman Julius Genachowski's recent resignation. Hence, the remedies must be swift, and comprehensive action is needed in order to correct this imbalance and injustice. As the research illustrates, connection to loved ones while incarcerated builds strong families and safe communities.

Respectfully submitted,

Dr. Artika R. Tyner, Ed.D., M.P.P., J.D., Community Justice Project: Clinical Faculty; Director of Diversity, University of Saint Thomas School of Law *

* *Institutional affiliation included for identification purposes only*

¹ Nancy G. Lavigne et al., *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*, URBAN INSTITUTE JUSTICE POLICY CENTER 4 (Feb. 2008), available at http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf.

² *Adult Inmate Profile as of 01/01/2012*, MINN. DEP'T OF CORR. (Jan. 2012), available at <http://www.doc.state.mn.us/aboutdoc/stats/documents/2012JanAdultProfile.pdf>.

³ *Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, PRISON LEGAL NEWS, Apr. 2011, at 16.

⁴ Nebraska, New Mexico, New York, Rhode Island, Michigan, South Carolina, California, and Missouri have banned kickback commissions, while New Hampshire, Kansas, Arkansas, and Montana have reduced them.

⁵ *Families with Incarcerated Parents Fact Sheet*, MINNESOTA SECOND CHANCE COALITION (Feb. 2010), available at <http://www.mnsecondchancecoalition.org/pdf/FamiliesOfIncarcerated.pdf>.

⁶ Lavigne, *supra* note 1, at 7–12.

⁷ Vera Institute for Justice, *The Price of Prisons: Minnesota* (Jan. 2012), available at <http://www.vera.org/files/price-of-prisons-minnesota-fact-sheet.pdf> (describing the amount spent on corrections in Minnesota per inmate); Creasia Finney Hairston, *Family Ties During Imprisonment: Do They Influence Future Criminal Activity?* 52 FED. PROBATION 48, 49–50 (1988) (an overview of studies on family contact and recidivism).

⁸ See Milton J. Valencia, *Advocates, Families Fight Jail Phone Fees*, BOSTON GLOBE, Jul. 13, 2012, available at http://articles.boston.com/2012-07-13/metro/32649245_1_global-tel-link-jails-and-prisons-high-phone-rates (describing rates and citing \$100,000 figure).

⁹ *Fee Claim Process: How to Submit a Claim*, Off. of the State Pub. Defender,
<http://spd.iowa.gov/staticpages/index.php?page=20050719162034567> (last visited Sep. 19, 2012).