

April 22, 2013

Marlene H. Dortch
Office of the 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, Community Justice Project (“CJP”) submits the following reply comments in support of a comprehensive resolution of issues related to prisoner telephone services. The *Notice of Proposed Rulemaking* on December 24, 2012, WC Docket No. 12-375.

Reply Comments of the Community Justice Project Regarding the Proposal

Community Perspectives: Research on Prisoner Telephone Services

In order to gain a deeper understanding of how prisoners and their families are impacted by the high costs of prison phone calls, the CJP conducted qualitative research (by hosting a community listening session). The listening session was held at the Power of the People Leadership Institute. The participants were formerly incarcerated men who have directly experienced the impact of the high rates of prison phone calls. Today, these men are working together to positively impact their communities upon release and support the successful transition of other incarcerated men back into the community.

Rate Reductions and Call Volume

The current charges for phone calls from prison are exorbitant. In the State of Minnesota, Global Tel*Link provides phone services to the state prisons. The cost for a 15 minute collect phone call from a Minnesota prison is \$17.30. These charges exceed the costs of typical collect calls, and even international calls within this state. The high charges serve as an active barrier to prisoners remaining in contact with their loved ones. As a firsthand account of this barrier, seventy eight percent (78%) of the men who participated in the listening session reported that they regrettably did not have as much phone contact with their families as they would have

desired.¹ The two central reasons for this limited contact were: 1) they could not afford the costs with their prison wages; and 2) their family could not afford to accept the calls.²

Relieving the impact of these high charges, the men described how important the few phone calls they were able to make were. One member of the group described the telephone as “[their] lifeline” to everything outside of the prison. Another member summarized the importance of phone contact to his incarceration by stating, “hearing that voice that says they love you is your lifeline.” The connection to the outside was also compared to a “fistful of gold.”³ While another, contrasted the daily reality of being incarcerated as being treated as chattel or a mere object. He credited regular phone communications and contact with the outside world as restoring his personhood, when he stated, “you feel like a person not like an object.”

Each of these accounts reflects the necessity of regular, routine phone contact between prisoners and their families. Prisoners and their families, who already have limited resources, are unable to afford to maintain a basic human function which is remaining connected through communication. Thus, reduced rates would eliminate this economic impediment and in turn increase call volume within the prisons.

Rate Caps are in the Public Interest and Promote the Common Good

It is in the public interest to decrease the likelihood that prisoners will re-offend;⁴ therefore routine communication with family members is integral to successful reintegration. Studies have shown that maintaining contact with an outside support system, such as loved ones and family members, decreases the likelihood of recidivism for prisoners.⁵ One such study examined the experiences of 7,000 Florida state prison inmates and found more frequent contact with loved ones drastically reduced the rates of recidivism; even those who did re-offend took a longer time to do so if they had more frequent contact with their outside support system while incarcerated.⁶ Listening session participants attested to the importance of regular phone contact in reducing the likelihood of recidivism and making a smooth transition in one’s reentry plan.

¹ See attached appendix. Margaret Higgins, Dominika Malisz, Elysia Newton, Natalie Peterson, Dr. Artika Tyner & Shannon West, *The Impact of Telephone Communication for Prisoners: A Report On the Experiences of the Members of the Power of the People Leadership Institute*, UNIVERSITY OF ST. THOMAS SCHOOL OF LAW, COMMUNITY JUSTICE PROJECT, March 2013.

² Participants reported the financial challenges experienced by their families in maintaining their routine budgets. The cost of prison phone calls created an additional hardship for their families. *Id.*

³ *Id.*

⁴ Incarceration is costly and places a strain on state budgets. The average cost of incarcerating an individual in Minnesota is \$41,364.

⁵ *Id.*

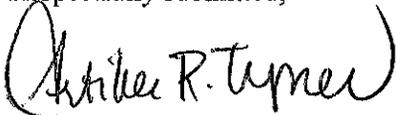
⁶ MINNESOTA DEPARTMENT OF CORRECTIONS, THE EFFECTS OF PRISON VISITATION ON OFFENDER RECIDIVISM 8, 9 (2011).

One group member, with the agreement of several others, described the transition period when leaving incarceration as a time of heightened vulnerability and uncertainty. The men shared that the need to make so many arrangements could cause one to make bad decisions. Multiple members explained that the relationships they had nurtured during their incarceration through regular, costly phone contact helped them to arrange housing and provided a support system upon release. Thus, reduction in the rates of prison phone calls promotes the common good by reducing recidivism and promoting safe communities.

Reform and Long-term Benefits

Some commissions collected from the prison phone calls are channeled back into the correctional facilities to fund programs for prison health, welfare and public interest purposes. For example, in Minnesota, a portion of the phone call commissions are used to pay for cable TV subscription and recreational services. However, these operational costs should not be subsidized by prisoners' families. These families are often in the most vulnerable financial state and cannot bear this burden. Nor should the costs of prison phone calls restrict family members from remaining in contact since this contact helps to improve the likelihood of successful reintegration for prisoners. Hence, FCC intervention is needed to remedy this miscarriage of justice in order to ensure families can remain connected and communities remain vibrant.

Respectfully submitted,



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APPENDIX: Listening Session Report

The Impact of Telephone Communication on Prisoners

A Report on the Experiences of the Members of the
Power of People Leadership Institute

Submitted by:



UNIVERSITY of ST. THOMAS

COMMUNITY JUSTICE PROJECT
UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

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Table of Contents

I. Introduction.....	2
II. Purpose of Research.....	3
III. Methodology.....	3
IV. Survey Results.....	4
V. Listening Session Results.....	6
VI. Other Consideration.....	11
VII. Recommendations for Change.....	13
Appendix.....	14

I. Introduction

Prison phone justice. The term itself may not hold meaning to you now; however, prison phone justice is a current civil rights and human rights issue. Prison phone justice refers to the high costs of phone calls that are made to and from prisoners and their loved ones. Phone companies are able to charge exorbitant rates because of a bidding process that occurs between several competing companies and prisons. Essentially, when a phone company enters into a contract with a prison system, the company provides commissions to the respective prison. The commissions that prisons receive serve as an incentive to pass on the high costs of prison phone calls to prisoners and their families. The ensuing high cost of phone calls creates tremendous barriers for families to remain in contact with their incarcerated loved ones. Families must bear the burden of choosing between accepting a loved one's call from prison and meeting their basic budgetary needs.

The Campaign for Prison Phone Justice ("Campaign") is fighting for change and striving to provide equal access to affordable phone calls for all. Research has demonstrated that regular communication between prisoners and their loved ones reduces recidivism and promotes successful re-entry. Therefore, fair rates on phone calls will help to promote strong families and safe communities

Background

Across the United States, prisoners are incarcerated an average of 100 miles from their families, making phone calls the only feasible form of contact for many.¹ However, the prison phone system is currently an unregulated industry; most states are under commission-based contracts with phone service providers, which provide commissions to the state and drastically increase the cost of regular phone contact. Minnesota's contract with Global Tel*Link generates 49% in commissions (\$1.44 Million Dollars).² For example, in Minnesota, the average cost for three 20 minutes phone calls per week is \$98.72 for intrastate calls, and \$282.53 for long distance calls.³

It is vital for prisoners to maintain routine contact with their families and community. Staying in contact with a support system, such as loved ones and family members, has shown to decrease the likelihood of recidivism. This support network is essential for aiding prisoners in successfully reintegrating into society by helping to meet their basic needs, such as obtaining

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

³ Phone rates extrapolated from John E. Dannenberg, *Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, PRISON LEGAL NEWS, Apr. 2011, at 16, available at <http://www.kitescampaigns.org/images/campaigns/PLN-telephone-article-4-7-11.pdf>; *Inmate Phones*, MONTANA DEP'T CORR., <http://cor.mt.gov/Facts/InmatePhones.mcp> (last visited Sep. 19, 2012)

shelter, and strengthening community connections that assist in successfully completing parole.⁴ While prisoners and loved ones suffer the emotional toll of decreased contact with their loved ones, children are often the silent victims. Currently there are over 15,000 children with at least one incarcerated parent in Minnesota.⁵ These children often exhibit emotional and social issues such as social withdrawal, and behavioral problems at school. The best way to mitigate these issues is through maintaining regular contact between the parent and child during the incarceration period.⁶ The following report showcases the impact of the high costs of prison phone calls, and the experiences relating to telephone contact of several men who have served sentences of varying length in different Midwestern prisons.

II. Purpose of Research

As part of the Community Justice Project's vigorous efforts to reform the prison phone call system in the state of Minnesota, we sought to gain a fuller understanding of how the current phone call rates negatively impact prisoners and their loved ones. We planned and conducted a listening session with members of the Power of People Leadership Institute, a diverse group of men who were incarcerated in various Midwestern prisons; this experience expanded our knowledge pertaining to the negative impact of high phone call rates on prisoners, their loved ones, and the community.

III. Methodology

This research study is informed by the principles of qualitative research. Qualitative research provides a methodological framework for exploring the questions of *how contact or a lack of contact impacts prisoners and the prison system* and *how contact or a lack of contact impacts prisoners' loved ones*.

To further our understanding of these issues, we first held a casual, introductory meeting to get to know the members of the Power of People Leadership Institute. After becoming acquainted with the group and listening to their experiences, we returned two weeks later to conduct a listening session. We began the session with the distribution of a survey (see Appendix). When completed by the members, this survey aided us in compiling basic demographic information of the group. Fourteen group members participated in the survey. Subsequently, we facilitated the discussion related to the impact of phone contact with loved ones from a list of prepared

⁴ 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> [hereinafter *The Price of Prisons*] (describing the amount spent on corrections in Minnesota per inmate); Creasie Finne Hairston, *Family Ties During Imprisonment: Do They Influence Future Criminal Activity?* 52 *FED PROBATION* 48, 49-50 (1988) [hereinafter *Hairston, Family Ties During Imprisonment*] (an overview of studies on family contact and recidivism).

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

⁶ Lavigne, *supra*, note 1.

questions, based on our prior research on prison phone issues and the stories we heard in our first meeting. We recorded the responses from the two-hour discussion, in which twenty-two members participated. The following report combines all of the insightful information we gathered from the first meeting, the survey, and the listening session.

IV. Survey: Demographic Overview and Reflections on the impact of Prison Phone Calls

A. Demographic Information

The demographic backgrounds of the listening session participants are diverse in the categories ranging from age to length of incarceration. The following section includes an overview of the participants' backgrounds and their general feedback related to the impact of prison phone calls on prisoners and their families.

Age: At the time of the listening session, all of the participants were between the ages of 21 and 65.

Race/Ethnicity: The majority of the survey participants (64 percent) are African American. Whites, Asian Americans, and American Indians were also represented within the group.

Gender: All participants are male.

Zip Code: The participants came from a variety of Minnesota zip codes. The most popular zip code was 55411 (Minneapolis) and the second most was 55104 (St. Paul).

Location of Incarceration: The participants had been incarcerated in a variety of prisons in the Midwest; several participants had been in multiple prisons due to transfers.

Age at Beginning of Incarceration: Most of the participants were between the ages of 21-26 or 36-45 at the time of their first incarceration. All of the participants were younger than 56 at the time of their first incarceration experience.

How long incarcerated: The length of incarceration varied from less than one year to more than ten years.

Loved ones the prisoners attempted to stay in touch with: Many of the participants indicated that they tried to stay in touch with multiple people during their incarceration, including children, significant others, parents, grandparents, aunts, uncles, cousins, support network, and friends. The majority longed to stay in touch with parents and children.

Distance from loved ones: During their incarceration, the participants were between 0 to 300 miles from their loved ones, on average each was approximately 100 miles from home.

Contact by telephone: All of the participants had used the telephone to stay in touch with loved ones while they were incarcerated.

Times a Month/Phone: Several participants reported only having telephone contact once or twice a month with loved ones. However, a sizeable portion was able to utilize telephone contact eight or more times with a few having daily or every other day phone contact.

Telephone Costs: Regarding information concerning local and long distance charges, participants indicated that costs ranged from under \$5 to \$20.

Average Length of Phone Calls: The majority of the participants stated the average length of their phone calls was 11-15 minutes.

B. Reflections on the impact of telephone communication for prisoners

The second half of the survey focused on the participants' reflections on the impact of the high cost of prison phone calls and the frequency with which they were able to remain in contact with their loved ones. Participants were asked if they were able to contact loved ones as often as they wanted, if phone contact was limited, the reason for the limitation, whether they received any benefits from frequent communication with their loved ones and what these benefits were. They were then asked to indicate if they agreed with the following statement: "The cost of prison phone calls made it hard to remain in contact with my loved ones while I was incarcerated."

Contact as much as wanted: An overwhelming majority (78 percent) of the participants said they did not have as much phone contact as they wanted. Only two of the fourteen survey participants were satisfied with their amount of contact.

Why contact was limited: The two main reasons the participants said their contact was limited were because: 1) they could not afford the costs with their prison wages; and 2) their family could not afford to accept calls. Several also said that they used letters to supplement their contact with their families.

Statement about cost making it difficult to remain in contact: Most of the participants strongly agreed with this statement, several agreed, and only one was neutral and one disagreed.

Benefits of remaining in contact:

- "You feel like a person, not an object."
- "Support, letting your family know that you are okay and not to worry."
- "I lost a family member and needed my family love during a hard and trying time."
- "Being able to talk with the people who know you the most and the ability to feel loved."

- “If you nurture a plant, it grows. If you comfort a loved one incarcerated, it encourages his awareness of being loved.”

V. Listening Session Results

A. Impact of Telephone Contact and Costs on Prisoners and the Prison System

The anecdotes shared at the listening session illustrated the impact of telephone contact on the emotional health of prisoners, as well as their access to resources critical to physical health and successful completion of parole/probation. In addition to the negative psychological and physical costs to the prisoners, limited phone contact and high phone rates create great financial burden for the state through the creation of security problems, the extension of sentences, and increased recidivism.

i. Emotional Impact of Prison Phone Calls

Several of the men spoke about phone contact as the best preventative measure against the despondency many prisoners feel. As one young man phrased it, “When you are on the inside, you start to feel like **nobody** cares about you” (emphasis in original). Staying in touch with loved ones through telephone communication allowed prisoners to see a light at the end of a very long, dark tunnel. One member of the group described the telephone as “[their] lifeline” to everything outside of the prison. Another member summarized the importance of phone contact to his incarceration by stating, “Hearing that voice that says they love you is your lifeline.” Another young man compared a connection to the outside as a “fistful of gold.”

Because contact to the outside is so important, its absence is not only strongly felt, but painfully realized. Lack of phone contact takes a decided toll on the emotional health of those who are incarcerated. Without contact from the outside, members described feelings of despair, anger, and a “me against the world attitude.” Prisoners who do not have much contact to the outside experience heightened feelings of despair and anger, emotions which are already taking a toll on them. Participants noted that the lack of phone contact is especially taxing for younger prisoners, who have been raised on Internet and cell phones, and are unable to fill that void through letter-writing, as one member explained. Many members of the group discussed that adjustment to prison life can be especially difficult for men in their teens and twenties. The lack of meaningful contact could thus play a drastic role in the adjustment period to incarceration for younger prisoners. Encompassing this notion is a story that one young man told who had been incarcerated at age 19 and had received little family contact during that time. He described how, without that meaningful connection to the outside he became more and more “animalistic” during his incarceration, so much that upon his release he felt he could no longer connect to the outside world. As a result, he committed another offense just a few months later. Another group member saw this tragic situation occurring to another prisoner. He recalled watching the

progression of behavioral changes experienced by a younger inmate who did not have the benefit of contact to the outside. This experience made the adjustment period challenging to the point that the young man walked around the prison looking like he was filled with rage. Further, multiple members emphasized that many prisoners may have difficulty reading and writing, making telephone calls the only feasible means of communication.⁷ Though one of the older group members expressed a preference for letters, the fact is that between rising illiteracy and generational dependence on other means of communication, letter-writing is not a feasible alternative for many prisoners and the loved ones they try to stay in touch with.

Lack of contact may also directly affect the disintegration of a prisoner's role in his family, which can heighten his already precarious emotional state. Two members of the group sadly described how significant members of their families had passed away during their period of incarceration, they did not learn of the deaths until months, sometimes years, after the death because of their lack of regular phone contact. One member heartbrokenly narrated the pain he experienced of being unable to remain in contact with his great-grandmother, who had raised him. While he was incarcerated, she suffered an illness that ended her life. Others group members expressed the difficulty in explaining the contact constraints within the prisons to loved ones on the outside, especially to children who might not understand the financial burden of the calls. They stated that many loved ones perceive the lack of contact as a devastating sign that those who are incarcerated no longer care about them. The deterioration of prisoner's relationships with family and other loved ones can have a substantial impact on his ability to access resources and to transition successfully to life on the outside. This can create barriers to establishing community connections, obtaining housing, and securing employment.

ii. Impact of Telephone Contact on Reintegration and Recidivism

Maintaining relationships through regular contact can also be critical to how well a prisoner fares upon release. Studies have shown that maintaining contact with an outside support system, such as loved ones and family members, decreases the likelihood of recidivism for prisoners.⁸ These contacts help prisoners successfully reintegrate into society by meeting their basic needs, such as obtaining shelter, and strengthening their community connections. A Florida study examined the experiences of 7,000 Florida state prisoners and found more frequent contact with loved ones drastically reduced the rates of recidivism.⁹ Further, even those who did reoffend took a longer time to do so if they had more frequent contact with their outside support system while

⁷ In the United States adult prison system, over 60% of prisoners read at or below a fourth grade reading level. UNITED STATES DEPARTMENT OF EDUCATION, *THE HEALTH LITERACY OF AMERICA'S ADULTS* (2006), available at <http://nces.ed.gov/pubs2006/2006483.pdf>.

⁸ *The Price of Prisons*, *supra* note 2; Hairston, *Family Ties During Imprisonment*, *supra* note 2.

⁹ MINNESOTA DEPARTMENT OF CORRECTIONS, *THE EFFECTS OF PRISON VISITATION ON OFFENDER RECIDIVISM* 8, 9 (2011).

incarcerated. Phone calls are one of the most accessible ways for friends and families to remain connected, especially in light of the generational and literacy-related barriers.¹⁰

One group member, with the agreement of several others, described the transition period when leaving incarceration as a time of heightened vulnerability and uncertainty, when the need to make so many arrangements could cause you to make bad decisions. Multiple members explained that the relationships they had nurtured during their incarceration through regular, costly phone contact helped them to arrange housing and provided a support system upon release.

Additionally, with the two different kinds of release (personal recognizance and standard), there are different rules regarding post-release accommodations. For personal recognizance, a prisoner will not be allowed to leave until he has arranged housing that meets with the approval of the parole board. If a prisoner is unable to find approved housing, he will remain in prison for an undetermined amount of time, at continued expense to taxpayers. One member mentioned how a friend of his spent an extra four months in prison while trying to find housing suitable for approval by the parole board, while another described how he, himself had remained in prison for a full year beyond when he first became eligible for personal recognizance discharge. Standard release proves contact with loved ones to have equal importance in post-release as personal recognizance. One member expressed distress about his recently released nephew who lost contact with those who might have provided for him after his release. This was as a result of the nephew's inability to afford phone calls and the difficulties in scheduling calls during the times when he had access to a phone. When he was released, he spent all of his discharge money to stay in a hotel, despite having loved ones who might have helped him if he could have stayed in touch with them. The nephew has now run out of funds and his uncle sadly concluded that he has probably already fallen in with a bad crowd. Comparatively, another member professed that through months of regular phone contact he rebuilt relationships with friends, which resulted in securing a place to live upon his release. He stated that without that connection, he would not have had any feasible options for stable housing after his release. Case in point, phone contact is essential for making a smooth transition back into one's community and building a track record of success.

The participants experiences in transitioning from prison life back into society display that lack of telephone contact can: 1) create barriers to reintegrating into one's community and family; 2) raise costs to the state by extending the incarceration of those eligible for personal recognizance discharge due to one's inability to arrange housing; and 3) increase the chance of recidivism for those on standard release who are unable to find a stable home. Telephone communication is

¹⁰ Creasie 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).

thus advantageous not only for improving the emotional well-being of prisoners, but also for easing the fiscal burden of incarceration.

B. Impact on Loved Ones

In addition to the affects phone contact has on the prisoners themselves, family members and loved ones of the prisoners are affected by phone contact as well. For instance, children are often the silent victims of their parents' incarceration. There are over 15,000 children with at least one incarcerated parent in Minnesota.¹¹ Numerous studies have shown that children of incarcerated parents are more likely to be socially withdrawn, and to have a variety of issues both at home and at school.¹² The same studies have shown that the best way to mitigate these challenges is to allow a parent and child to maintain contact during the incarceration period.¹³ Unfortunately, the high cost of phone calls makes it difficult for many loved ones to stay in touch, resulting in strained relationships and difficult budgetary concerns for both the prisoners and their loved ones

i. Impact on Adult Relatives

A common theme among the listening session participants, in discussing the impact of telephone contact upon both their incarceration and transition periods, was the hardships they faced in maintaining or re-establishing relationships with their loved ones. One man, who was incarcerated for 23 years, discussed the strain his incarceration and the resulting limited contact had on his great-grandmother who had raised him, his wife, and two young children. His great-grandmother especially suffered during her final illness with the limited contact she had with her great-grandson. This led another relative to believe that the lack of contact had worsened her condition. Further, his wife had a hard time understanding all of the obstacles he would have to overcome to have more telephone contact, this created additional strain on their marriage.

Two additional members expressed how hard it was to make budgeting decisions around phone calls, and to then explain those choices to their loved ones. One man was supposed to call on a Tuesday morning to speak with his ailing grandmother, but delayed the call because he needed to purchase basic necessities from the commissary/canteen. When he called at the end of the week, he was devastated to find out that his grandmother had passed away on the Tuesday he was supposed to call and he had missed his last chance to speak with her. Recalling the incident years later, he still felt guilt over the choice he made and wished that the high cost of phone calls had not created a barrier to saying good-bye to such an important person in his life. Another member recounted how he had to choose between making calls to his girlfriend and affording basic needs, like soap. Even harder was explaining the situation to his girlfriend because she did not understand why he was forced to make difficult budgetary decisions that limited his contact with

¹¹ Families with Incarcerated Parents, *supra*, note 5.

¹² Lavigne, *supra* note 1, at 7-12

¹³ *Id.*

her. Another member is currently dealing with the incarceration of his younger brother. Though his brother is struggling with his incarceration and yearning for family contact, the member is unable to afford the collect charges. It has progressed to the point that he was forced to tell his wife if she continues accepting the charges, they will be forced to make budgetary sacrifices that will negatively impact their daily living.

The cycle of incarceration and its effects on loved ones continues for many of the men in the group. When asked how many of them now have an incarcerated child or grandchild, up to 25 percent raised their hand. One man expressed his guilt at not having enough money to accept phone calls from his incarcerated sibling. Another member regrettably described how he was preparing to help his nephew upon his nephew's release, but could not afford to accept his nephew's collect calls. This made it impossible for the uncle to prepare for his nephew's release and support his transition back home. The two have since lost contact.

ii. Impact on Children and Other Younger Relatives

Many group members also spoke about the struggles they faced with maintaining contact with their children and younger siblings. One described his strong feelings of guilt with becoming the stereotypical absent father while he was incarcerated. He had to make the difficult decision between putting food in his stomach and hopefully reestablishing a relationship with his children upon release, or trading meals for phone calls to his children. Another recalled how he had to save all of his prison wages for a new pair of shower shoes because the standard-issued ones were too small for his feet and he developed a severe case of athlete's foot when wearing them in the shower. When he skipped several phone calls to save up for the shoes, his family felt abandoned and unloved. One of the men stated how much of a hardship it is for young children to maintain a relationship with someone they rarely see or hear from, and another added that the lack of contact causes children "a lot of grief and pain." One very powerful story came from a man who had two sons born shortly before his incarceration. One of his sons lived within the local call area while contact with the other required a long distance phone call. The man could afford much more contact with one son than the other because of the difference in cost between local and long distance calls. To this day, he has a much stronger relationship with the son he kept in touch with more frequently with local, lower-priced phone calls. He contributes this directly to the high cost of prison phone calls limiting his ability to consistently remain in contact with both sons.

One man who was incarcerated when his son was still young felt a sense of void and detachment due to the long period without contact. When he finally did establish phone contact with his son, he was so overwhelmed with emotion that he would hang up whenever his son asked him for something. Others who were unable to have regular phone contact all expressed how challenging it was to reconnect with their children after their release. Their children's "hearts [had] been

hardened” by the time their fathers were released because their only contact came from infrequent phone calls.

Participants described the challenge of remaining in contact with other younger relatives, like siblings and nieces/nephews. Another member described how his school-aged siblings really struggled with his incarceration. Without being able to talk to one another, his siblings were unable to understand his situation, and he lacked the ability to continue to have active involvement within their lives. Their reactions ranged from anger to depression to confusion and brought lasting problems to their relationships.

The members’ examples of how lack of contact has negatively impacted their loved ones shows the high rates of phone calls not only serve as just another layer of punishment for the prisoner, but serve as a punishment for all those that play an important role in the prisoner’s life. Numerous studies have assessed the impact of parental incarceration and the resulting parental absence on the lives of children, and many of these negative effects create financial burdens to the state through referrals to the child welfare system, school system, and later on in the prison system.¹⁴ The current high costs of phone calls thus concern the well being of both the families of prisoners and the state.

VI. Other Considerations

The high rates of telephone calls impact not only the relationships between prisoners and their families, but also other areas of life, ranging from access to necessary medical care to consumer protection.

A. Security Issues

The centrality of telephone contact to the lives of prisoners can make telephone access a major security issue in prisons. Fights often erupt around the telephone, as prisoners desperate for a few minutes of contact become enraged when other prisoners stay on the phone beyond their allotted amount of time. Another member described how several prisoners would purposefully cause fights or create other security problems, hoping they would get transferred to facilities where they could place local (and therefore cheaper) calls to their loved ones. The tremendous value of contact to the outside also makes phone calls a kind of currency, to the point where many men trade meals for phone calls. This value also translates into a serious security risk, as many prisoners try to steal others’ Personal Identification Numbers in order to use their funds to make calls. The smuggling of cell phones into prison facilities also pose a heightened security risk.¹⁰ Therefore, lack of access to communication can create even greater animosity and lead to more violence within the prison population.

¹⁴ Lavigne, *supra* note 1, at 7-12.

B. Access to Legal and Medical Services

In addition to emotional support, prisoners often rely on their contacts from the outside, such as family, friends, and their community, for other forms of assistance. One such example is the challenge prisoners face in trying to seek and maintain legal services. One member of the group described spending \$3,700 on phone calls to coordinate his appeal, which included contacting his attorney, engaging in fact investigation, and gathering related evidence. In addition to bad fiscal policy, the current rates for phone calls create enormous obstacles to the prisoners' abilities to attend to their own legal issues. The high rates of calls also place a burden on the state by driving up the cost of representation for public defenders representing incarcerated defendants.¹⁵ Some public defenders spend more than \$100,000 a year accepting collect calls from prisoners.

Multiple members of the group described the importance of contacts on the outside for securing medical services they needed. One young man had a plate in his head, which had become infected and required surgery. For a long time prison health professionals refused to provide the needed treatment and his condition continued to deteriorate. Finally, his girlfriend was able to exert enough pressure on various Department of Corrections officers to ensure the prisoner received the surgery he desperately needed to replace the plate and quell the infection. If the prisoner had not been able to maintain the relationship with his girlfriend through telephone calls and update her on his condition, it is hard to think about what could have happened to him since the situation could have proven to be fatal. Another group member explained how his son helped him get needed medical attention for his back. One group member described how his uncle became very ill in prison, but could not afford the calls necessary to maintain familial relationships and rally the support needed to secure a medical release. His uncle passed away in prison, just a few short days after receiving surgery.

C. Consumer Issues

Aside from their dissatisfaction with the exorbitant phone call rates, many prisoners and their loved ones have also experienced other frustrations in dealing with the telephone service in prisons. Several group members agreed that the service left much to be desired, with frequent dropped calls, deteriorating service in the last minutes of a call, and arbitrary blocking of numbers. These claims are substantiated by the consumer complaints page for Minnesota's sole provider of prison phone services, Global Tel*Link, which contains dozens of complaints about these issues, as well as poor customer service and erroneous charges.¹⁶ Thus, the current contract

¹⁵ Fitzgerald, Erin, Cell 'Block' Silence: Why Contraband Cellular Telephone Use in Prisons Warrants Federal Legislation to Allow Jamming Technology (December 2010). *Wisconsin Law Review*, Vol. 2010, p. 1269, 2010. Available at SSRN: <http://ssrn.com/abstract=1614444>

¹⁶ *Global Tel*Link*, CONSUMER AFFAIRS, http://www.consumeraffairs.com/cell_phones/global_tel_link.html (last visited Nov. 28, 2012).

between the state of Minnesota and Global Tel*Link not only disadvantages prisoners and their families by driving up the cost of calls, but also by providing them with substandard service and no other options for phone calls services.

VII. Recommendations for Change

There are currently multiple avenues to improve the prison phone situation in Minnesota. All of these involve eliminating/reducing the commission-based contract system, in which phone companies offer a commission to the state from the profits on each call. This serves to drive up the price of calls between companies competing for the state prison phone contract. Eliminating or reducing these commissions has drastically reduced the rates of calls in twelve other states, including New York and California.¹⁷ To achieve change in the prison phone systems, efforts must be focused on both the interstate and intrastate remedies. Interstate calls fall under the auspices of the Federal Communications Commission. Intrastate remedies fall under state legislation or through a ruling from the state's Public Utilities Commission.

Let your voice be heard. You can get involved by visiting www.phonejustice.org to share your story concerning the impact of prison phone charges upon you or your loved ones and explore ways you can impact change.

¹⁷*Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, PRISON LEGAL NEWS, Apr. 2011, at 16.

Appendix

I. Survey.....15

II. Listening Session Questions.....20

III. Fact Sheet.....22

APPENDIX I: SURVEY

Impact of Communication on Prisoners

This survey was created by the Community Justice Project at the University of St. Thomas School of Law to explore the cost of prison phone calls and the impact of these costs. The results will serve as a part of an advocacy campaign to lower the costs on phone calls made to and from state prisons. If you have any questions, please contact us at ipccommjustice@stthomas.edu.

If you have been incarcerated more than once, please use the information from your most recent incarceration to fill out this survey.

1. Age:

- Under 18 years
- 18-20 years
- 21-25 years
- 26-35 years
- 36-45 years
- 46-55 years
- 56-65 years
- Over 65 years

2. Race/Ethnicity

- White
- Black
- Latino
- American Indian
- Asian
- Other: _____

3. Gender:

- Male
- Female

4. What is your Zip Code? _____

5. Where were you incarcerated? **If you have been incarcerated more than once, please answer this question using your most recent incarceration.**

- MCF-Faribault

- MCF-Lino Lakes
- MCF-Oak Park Heights
- MCF-Rush City
- MCF-St. Cloud
- MCF-Shakopee
- MCF-Stillwater
- MCF-Willow River (CIP)/Moose Lake
- MCF-Red Wing
- MCF-Togo
- County Jail
- Other: _____

6. What was your age at the beginning of your incarceration?

- Under 18 years
- 18-20 years
- 21-25 years
- 26-35 years
- 36-45 years
- 46-55 years
- 56-65 years
- Over 65 years

7. How long were you incarcerated for?

- Less than 1 year
- 1 year to 3 years
- 3 years to 5 years
- 5 years to 10 years
- More than 10 years

8. What loved ones did you try to stay in touch with? Please check all that apply.

- Child/children
- Spouse/significant other
- Parents
- Grandparents
- Aunts/Uncles
- Nieces/Nephews
- Cousins

- Friends
- Lawyers
- Other: _____

9. How did you decide which loved ones to stay in touch with?

10. How far is the prison from where your loved ones live who you tried to stay in touch with?

- 0-20 miles (less than half an hour)
- 21-60 miles (half an hour to 1 ½ hours)
- 61-100 miles (1 ½ hours to 2 ½ hours)
- 101-300 miles (2 ½ hours to 6 hours)
- More than 300 miles (more than 6 hours)

11. Did you have any contact by telephone? (Specifically, through prepaid or collect phone calls.)

- Yes
- No

12. On average how much did you talk to loved ones by telephone?

- 0 times a month
- 1-3 times a month
- 1-2 times a week
- Every other day
- Every day
- Multiple times a day

13. On average, how long were the phone calls?

- 0-5 minutes
- 6-10 minutes
- 11-15 minutes
- 16-20 minutes
- 21 or more

14. What was the average cost of a prison phone call?

- Under \$5.00
- \$5.00-\$10.00
- \$10.00-\$15.00
- \$15.00-\$20.00
- \$20.00 or more

15. Were you able to remain in contact with your loved ones as often as you wanted?

- Yes
- No

16. If your contact by phone was limited, what were the reasons? Please check all that apply.

- Could not afford costs with prison wages
- Had to choose between making phone calls and buying necessities with prison wages
- Loved ones could not afford to accept calls
- Could not coordinate a time to talk with loved ones
- Loved ones don't own a phone
- Used letters to stay in touch
- Used email to stay in touch
- Other (please specify): _____

17. How do you feel about this statement: "The cost of prison phone calls made it hard to remain in contact with my loved ones while I was incarcerated." Please circle one:

Strongly Agree Agree Neutral/Disagree Strongly Disagree

18. How do you feel about this statement: "The cost of prison phone calls took a toll on the relationships I had with my loved ones."

Strongly Agree Agree Neutral/Disagree Strongly Disagree

19. Based upon your experience, what are the benefits, if any, of remaining in contact with loved ones while one is incarcerated?

20. Is there any other information or experiences that you would like to share?

Thank you so much for your completion of the survey. We appreciate your time and your answers will be of great value to our research.

APPENDIX II: LISTENING SESSION QUESTIONS

Questions for Listening Sessions

Introduction

Begin with an overview of the project.

Communication

1. What was your primary means of communicating with loved ones during your incarceration?
 - a. Why was this your primary means of communication?
 - b. If you didn't list telephone as your primary means of communication, what made it less feasible?
 - c. If cost were no object, what would have been your preferred method of communication?

Prompt: I remember one of you said that you used letter-writing because you enjoyed that way of communicating. Are there any means of contact that anyone else would have felt more comfortable with, but couldn't use for whatever reason?

Possible follow-up: If you didn't list telephone as your actual or preferred means of communication, why?

2. What are the costs of these phone calls?
 - a. How did these costs impact your family (i.e. budget, frequency of calls)?
 - b. How did these costs impact how phone calls were treated within the prison?
Prompt: I remember some of you gave examples of safety issues around the telephone, trading meals for calls, et cetera. Can you elaborate on those?
3. What did your regular phone contact schedule look like? (How many calls and for how long over a week/month)?
 - a. If the cost were no object, what would you want your regular phone contact schedule to look like?

Impact of Contact During Incarceration

1. Tell us about how telephone contact or a lack of contact impacted your adjustment to prison.
 - a. For those of you who were able to remain in touch by telephone, how did this communication impact your adjustment to being incarcerated? For those of you who were not able to remain in touch with people on the outside, how do you think this lack of contact impacted your adjustment to being incarcerated?
 - b. If you had children while you were incarcerated, how did telephone communication or a lack of telephone communication impact your ability to be involved in their lives?

- c. How did it impact your ability to remain connected with other family members?
- d. Do you have any stories of how you saw the impact of contact or a lack of contact on other prisoners and their adjustment to prison?

Prompt: I remember someone spoke about seeing a young man walking around like he was about to snap any minute, because he wasn't able to stay in touch with family. Can you tell us more about this, or any other examples you may have seen?

Impact of Contact on Life After Incarceration

1. How did telephone contact or a lack of telephone contact impact your adjustment after being released?
 - a. In general, how did telephone contact/a lack of telephone contact impact your reentry?

Prompt – I remember someone spoke about being worse off when he was released because of a lack of contact, which caused him to commit another offense and become incarcerated just months later. Can you elaborate on that?
 - b. How did it impact your ability to meet your basic needs (food, shelter, employment)?
 - c. How did it impact your ability to reintegrate into family life or reconnect with other loved ones?
 - d. Do you have any stories of how contact or a lack of telephone contact impacted the reentry of someone you know?

The Future

1. Do you have any recommendations for future change related to prison phone call communication policies?

Expanding Our Research

1. Are there other community members whom we should contact about prison phone justice?

Final Thoughts

1. Is there anything else you'd like to make sure we know before we leave?

APPENDIX III: FACT SHEET

Minnesota Prison Phone Rates and the Case for Reform

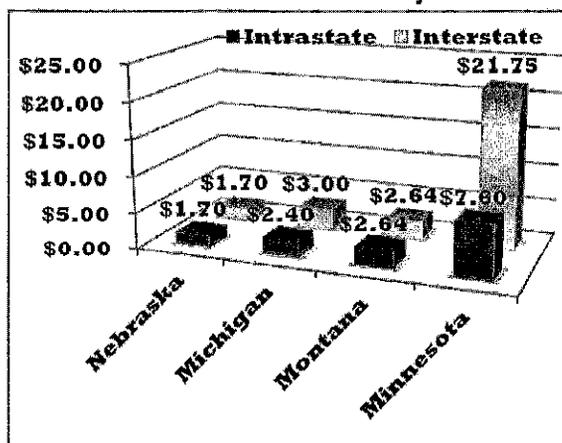
A fact sheet prepared by Main Street Project and the
Community Justice Project of the University of St. Thomas School of Law

Across the United States, prisoners are incarcerated an average of 100 miles away from their families, making phone calls the only feasible form of contact for many.¹ As of January 2012, there were 9,345 inmates in Minnesota state prisons.² In Minnesota, prison telephone access is restricted to collect calls. Under the state's contract with Global Tel*Link, which allows for a 49% kickback to the state, the rates for these collect calls are exorbitant, resulting in negative consequences for prisoners, their families, and others.³

The Problem

Because of the limited resources of both prisoners' families and public defenders' offices, policy reform in telephone rates may have a big impact on budgets. To date, 12 states have reduced or eliminated kickbacks, resulting in significantly lower rates for prison phone calls.⁴ The chart to the right displays Nebraska and Michigan, which have cut kickbacks completely, and Montana, which has entered into a limited kickback contract. Conversely, Minnesota's high phone rates reflect the amount of kickback it still receives.

**The Cost of Making a
20 Minute Phone Call by State**



The Impact

Studies have shown that maintaining contact with an outside support system, such as loved ones and family members, decreases the likelihood of recidivism for prisoners. These contacts help prisoners successfully reintegrate into society by meeting their basic needs, such as shelter, and strengthening their community connections. Phone calls are one of the most accessible ways for families to remain connected.⁵

\$41,364

Average annual cost per inmate
in Minnesota

Children are often the silent victims of their parents' incarceration. There are over 15,000 children with at least one incarcerated parent in Minnesota.⁶ Numerous studies have shown that children of incarcerated parents are more likely to be socially withdrawn, and to have problems both at home and at school. The same studies have shown that the best way to mitigate these problems is to allow a parent and child to maintain contact during the incarceration period.⁷ Unfortunately, the high cost of phone calls makes it difficult for many families to stay in touch.

15,000+

Number of children in
Minnesota with an
incarcerated parent

Some public defenders spend more than **\$100,000** a year accepting collect calls from inmates

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 who represent incarcerated clients.⁸ Furthermore, some public defenders' offices require their attorneys to seek reimbursement through a time-consuming process, taking valuable time away from their heavy caseloads.⁹

The table at right shows average monthly phone costs for three 20-minute phone calls per week, comparing Minnesota with some of the states that have implemented prison phone reform.¹⁰

The Monthly Phone Costs for Three 20 Minute Phone Calls Per Week

State	Intrastate	Interstate
Minnesota	\$98.72	\$282.53
Montana	\$34.29	\$34.29
Michigan	\$31.18	\$38.97
Nebraska	\$22.08	\$22.08

Avenues for Change

Currently social and media justice groups across the country are attempting to convince elected officials to ask the Federal Communications Commission to open rulemaking on the Wright Petition.

In the meantime, Main Street Project and the Community Justice Project are also seeking reform within Minnesota, through either statewide legislation or a ruling by the Public Utilities Commission, eliminating the kickbacks which drive up the cost of phone calls from state prisons.

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 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); Creasie 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).

⁶ *Families with Incarcerated Parents Fact Sheet*, MINNESOTA SECOND CHANCE COALITION (Feb. 2010), available at <http://www.mnsecondchancecoalition.org/pdf/FamiliesOfIncarcerated.pdf>.

⁷ Lavigne, *supra* note 1, at 7-12.

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).

¹⁰ Phone rates extrapolated from John E. Dannenberg, *Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, PRISON LEGAL NEWS, Apr. 2011, at 16, available at <http://www.kitescampaigns.org/images/campaigns/PLN-telephone-article-4-7-11.pdf>; *Inmate Phones*, MONTANA DEP'T OF CORR., <http://cor.mt.gov/Facts/InmatePhones.mcp> (last visited Sep. 19, 2012).