

October 14, 2015

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: Inmate Calling Services WC Docket No. 12-375

Dear Chairman Wheeler:

The undersigned 23 national civil rights and social justice organizations (“the Civil Rights Coalition”), representing thousands of constituents, urge the Commission to institute comprehensive reforms to inmate calling services (ICS) that will create more affordable rates for the incarcerated and their families.

We believe that the predatory practices in the prison payphone marketplace are unacceptable and further disadvantage populations desiring a reasonable gateway to ongoing communications between incarcerated persons and their loved ones.

The Civil Rights Coalition supports the Commission’s plans to proceed with cap rates for all ICS calls, including local, long-distance and international, and the imposition of limits on excessive fees on calls.¹ Over the last 15 years, inmates and their families have experienced a virtual tax on their pain by paying phone rates that far exceed those paid by average Americans, while this cruelty has enabled the prison payphone industry to skyrocket to \$1.2 billion in assets.²

Consequently, the Civil Rights Coalition urges the Commission to proceed with comprehensive reform to the regulation of ICS that fully addresses *all* of the predatory traps associated with its current structure. In addition to providing more certainty through rate caps, we strongly recommend that the Commission also curtail the uncertain, and often excessive, site commission fees that contribute to the same exorbitant price structure for prison phone calls.

While some correctional facilities and sheriffs claim that site commissions are required to support the administration of prisons and jails, inmate advocacy groups have concluded that these fees are not only regressive, but also passed onto vulnerable consumers already struggling

¹See Federal Communications Commission, Fact Sheet: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services (rel. Sept. 30, 2015), available at <https://www.fcc.gov/document/fact-sheet-ensuring-just-reasonable-fair-rates-inmate-calling> (last visited October 14, 2015).

² See Eric Markowitz, *Why American Jails May Drastically Curtail Inmate Phone Calls*, International Business Times (May 1, 2015), available at <http://www.ibtimes.com/why-american-jails-may-drastically-curtail-inmate-phone-calls-1904855> (last visited October 14, 2015).

to pay for the cost of a phone call.³ The Civil Rights Coalition believes that the Commission has clear jurisdiction to proscribe some consistency in their application.⁴

Meaningful reform is long overdue, and against the backdrop of mass incarceration of people of color, the Commission's timing on this issue is critical. In 2014, more than 2 million people were incarcerated on any given day in the U.S.⁵ According to data from the *Sentencing Project Research and Advocacy for Reform*, approximately 60 percent of the people in prison are currently people of color.⁶ FCC Commissioner Mignon Clyburn has noted that more than 2.7 million children, who have committed no crime, are also the victims of an unreasonable inmate calling structure because they can't stay in contact with their parents.⁷

As we embark on ICS reform, the Civil Rights Coalition encourages the agency to consult and coordinate with all relevant stakeholders. Commissioner Clyburn has suggested that this effort can result in fundamental fairness in the prison phone system, and we agree. We urge the Commission to implement comprehensive changes that ensure that consumers, whose only choice for communications is through the ICS system, will not be further harmed.

Sincerely,

Asian Americans Advancing Justice | AAJC
Blacks in Government (BIG)
Faith in Works
MANA, A National Latina Organization
Multicultural Media, Telecom and Internet Council (MMTC)
NAACP
National Action Network
National Association of Neighborhoods
National Association of Multicultural Digital Entrepreneurs (NAMDE)

³ See Letter from A. Lipman, Morgan Lewis & Bockius, LLP to M. Dortch, Federal Communications Commission (October 9, 2015), available at <http://apps.fcc.gov/ecfs/comment/view?id=60001303150> (last visited October 14, 2015).

⁴ See Communications Act of 1934, 47 U.S.C. § 201(b), 276. See also, 47 U.S.C. §154(i) (The *Communications Act* gives the FCC broad authority to “make such rules and regulations...as may be necessary in the execution of its functions”.)

⁵ See Peter Wagner and Leah Sakala, *Mass Incarceration: The Whole Pie*, Prison Policy Initiative (March 12, 2014), available at http://www.prisonpolicy.org/reports/pie.html?gclid=CjwKEAajw-vewBRDH1-b52Lig1hkSJACTPfvFTXTo9yKjunwuS4Hd0MXPI3HoBD_HfyhTm_BFjM-L3xoC28rw_wcB (last visited October 14, 2015).

⁶ See the Sentencing Project Research and Advocacy for Reform, available at <http://www.sentencingproject.org/template/page.cfm?id=122> (last visited October 14, 2015).

⁷ See Federal Communications Commission, Statement of Commissioner Mignon Clyburn, *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375 (2015), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-158A3.pdf (last visited October 14, 2015).

National Coalition to Abolish the Death Penalty (NCADP)
National Coalition on Black Civic Participation and Black Women's Roundtable
National Consumers League
National Organization of Black County Officials (NOBCO)
National Policy Alliance
National Urban League
National Organization of Black Elected Legislative (NOBEL) Women
OCA-Asian Pacific American Advocates
Politic365
Public Knowledge
Southern Christian Leadership Conference (SCLC)
Rainbow PUSH Coalition
U.S. Black Chambers, Inc.
Jason Llorenz, JD, Rutgers University School of Communication & Information

cc: Hon. Mignon Clyburn
Hon. Ajit Pai
Hon. Jessica Rosenworcel
Hon. Michael O'Rielly

The contact person for this letter is Kim Keenan, Esq., President and CEO, Multicultural Media, Telecom and Internet Council (MMTC), kkeen@mmtconline.org.