

June 11, 2019

The Honorable Roger Wicker, Chairman
U.S. Senate Commerce, Science and Transportation Committee
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell, Ranking Member
U.S. Senate Commerce, Science and Transportation Committee
511 Hart Senate Office Building
Washington, DC 20510

SUPPORT THE MARTHA WRIGHT-REED JUST AND REASONABLE
COMMUNICATIONS ACT OF 2019, S.1764

Dear Senators Wicker and Cantwell:

We write to you as organizations and individuals that represent a wide variety of views on many issues, but that stand united on the need to reduce the exorbitant rates for telephone calls from prisons. A lack of competition in the correctional calling market is not only costing clergy and families extraordinary sums each year, it also deters communication with incarcerated people, thus contributing to recidivism which wastes hundreds of millions of dollars each year in the U.S.¹ We therefore write to express our support for the Martha Wright-Reed Just and Reasonable Communications Act of 2019, S.1764 which would empower the Federal Communications Commission to address this problem. In your positions as Chairmen of the Senate Commerce, Science and Transportation Committee and the Subcommittee on Communications, Technology, Innovation, and the Internet, respectively, we urge you to hold a hearing and support this legislation.

The costs of telephone calls from incarcerated people are often extraordinarily high—well beyond what most people in our country pay for telephone service. In some cities in the U.S., it could cost a grandmother or a pastor \$25 for a 15-minute phone call to jail.² Further, a mother attempting to continue her children's relationship with their incarcerated father could be charged \$40 for a 40-minute remote video call—as could an attorney planning an incarcerated person's legal strategy.³ A pastor seeking to deposit money into a prepaid account could be forced to pay more than \$3 in fees to deposit \$5 into the account.⁴

These calling rates and fees cannot be lowered through market forces because consumers cannot choose the telephone company they use to communicate with prisons. Prisons and jails often select telephone companies based on which company will offer the highest fee or commission to the correctional institution.⁵ Therefore, many prisons and jails choose the most expensive service and the costs are passed on to incarcerated people's families in the form of higher telephone rates. On top of these high rates, telephone companies impose additional fees that further inflate their profits on the backs of inmate families and support systems.

The strain on families is extreme. The Prison Policy Initiative estimated in 2013 that families are spending as much as \$386 million per year on fees—fees imposed over the costs of the calls themselves.⁶ An Ella Baker Center report found 1 in 3 families of incarcerated people went into debt to cover phone and prison costs.⁷

Unjust and unreasonable charges negatively impact the safety and security of communities in the United States by exacerbating recidivism and damaging relationships between people in prison and their support systems. The rate of recidivism is at crisis levels in the U.S.: within nine years of being released, five out of six, or 83 percent, of state prisoners were arrested at least once;⁸ within three years, 67 percent of ex-prisoners re-offend and 52 percent are re-incarcerated.⁹ We should not disincentivize communication with incarcerated people—the very behavior that will help us keep families together and in turn reduce future crime.

The Federal Communications Commission possesses the expertise to take a hard look at the costs of providing telephone service in order to ensure just and reasonable rates for all telephone calls and fees in the absence of competition. Congress had delegated that authority to the Commission, until a recent court decision sharply constricted the Commission's previous reform efforts.¹⁰ The Martha Reed-Wright Just and Reasonable Communications Act of 2019 would clarify Congress' intent that the Federal Communications Commission protect all consumers and prevent these outrageous rates that negatively impact the safety of all people in the United States.

Sincerely,

Fr. Michael Bryant, Catholic Chaplain, DC Jail
The Rt. Rev. Mariann Edgar Budde, Bishop,
Episcopal Diocese of Washington
John Clark (Retired), Warden and Assistant
Director, Federal Bureau of Prisons
Sheriff Pete Dougherty, Jefferson County,
West Virginia
Kenneth L. Faiver (Retired), Director of Health
Care, Michigan Department of Corrections
Ron Hampton, past Executive Director of the
National Black Police Association, Inc.

Robert A. Hood, M.Ed., Warden (Retired),
Federal "Supermax" Penitentiary
Ken Kerle, founding editor, American Jails
Magazine
Stefan LoBuglio, Former Chief of Pre-Release
and Reentry Services Division, Montgomery
County Department of Correction and
Rehabilitation
Sheriff Ross Mirkarimi (Retired), San
Francisco, CA
Robert Woodson, Founder and President,
Woodson Center

American Civil Liberties Union
American Friends Service Committee
Asian Americans Advancing Justice – AAJC
Christian Reformed Church, Office of Social
Justice
Ella Baker Center
Friends Committee on National Legislation
Healing Communities USA
Human Rights Defense Center
Interfaith Action for Human Rights
Interfaith Worker Justice
International CURE
The Leadership Conference on Civil and
Human Rights

MediaJustice
NAACP
National Alliance of Faith and Justice
National Consumer Law Center, on behalf of
its low-income clients
Prison Policy Initiative
R Street Institute
U.S. Conference of Catholic Bishops
Unitarian Universalist Association
United Church of Christ, OC Inc.
Working Narratives
Worth Rises

¹ Pew Center on the States, *State of Recidivism* at 26 (2011) (if 41 states could reduce their recidivism rates by 10 percent, they could save more than \$635 million in averted prison costs in one year); Illinois Sentencing Advisory Council, *The High Cost of Recidivism* (2015) (recidivism will cost Illinois over \$16.7 billion over five years); Friedman, Alex, *Lowering Recidivism through Family Communication*, Prison Legal News (April 15, 2014) (summarizing studies showing communication reduces recidivism).

² The Wright Petitioners et al, Federal Communications Commission Solutions 2020 Comments, Exhibit A, Public Notice No. 342689 (filed Jan. 11, 2017) (chart detailing intrastate calling rates in late 2016 around the U.S.).

³ Securus, Facilities and Pricing, Henry County, IL, available at: https://securustech.net/facilities-and-pricing/-/asset_publisher/oBC88rqvSp0/content/henry-county-il (visited 5/25/18). See also Letter from Lee Petro, counsel for Wright Petitioners to Marlene Dortch, Secretary, FCC, Attachments B, C and E (detailing average per minute rates for Securus video visitation by remote family and attorneys and for telephone calls in Michigan).

⁴ GTL Connect Network Deposit Amount calculator for Columbia County OR Jail, found at <https://www.connectnetwork.com/webapp/jsps/cn/makepayment/paymentflow.cn> (visited 5/25/18).

⁵ Kukorowski, Peter, *The Price to Call Home* (Prison Policy Initiative 2012).

⁶ Kukorowski, Peter, et al., *Please Deposit All of Your Money* at 10 (Prison Policy Initiative 2013).

⁷ Ella Baker Center, *True Cost of Incarceration* at 9 (2015).

⁸ Mariel Alper, Ph.D., et al., *2018 Update on Prisoner Recidivism*, Bureau of Justice Statistics (2018).

⁹ Patrick A. Langan, Ph.D., David J. Levin, Ph.D., *Recidivism Of Prisoners Released In 1994*, Bureau of Justice Statistics (2002).

¹⁰ *Global Tel*Link v. Federal Communications Commission*, 866 F.3d 397 (D.C. Cir. 2017).