

Senator Tammy Duckworth
524 Hart Senate Office Building
Washington, DC 20510

Senator Cory Booker
359 Dirksen Senate Office Building
Washington, DC 20510

Senator Rob Portman
448 Russell Senate Office Building
Washington, DC 20510

Senator Brian Schatz
722 Hart Senate Office Building
Washington, DC 20510

October 5, 2018

Dear Senators Duckworth, Booker, Portman and Schatz:

As nonprofit organizations and community members that support reforms of the criminal justice system to strengthen the ties between incarcerated people and their loved ones, we are proud to endorse S. 2520, the Inmate Calling Technical Corrections Act of 2018.

For more than fifteen years, families have been calling on the Federal Communications Commission (“FCC”) to provide relief from the exorbitant costs that the prison phone companies impose just to stay in touch. But some children still have to pay over a \$1/minute to talk to an incarcerated parent. Without regulation, these high costs persist because many prison systems, local jails and detention facilities award monopoly contracts to phone companies that charge the highest rates and therefore share the largest portion of the profits with the correctional institution.¹

While the Federal Communications Commission had made some progress toward capping rates and fees in recent years, the phone companies fought back, attacking the FCC’s jurisdiction over the cost of calls and fees and thereby dismantling most of the previously-adopted regulation.²

Consistent with FCC Chairman Pai’s testimony in his confirmation hearing, the bill is narrowly targeted to clarify the Federal Communications Commission’s jurisdiction. It makes clear the FCC is required to ensure “just and reasonable” rates for consumers, rather than only protecting phone company profits. The bill also clarifies that the Federal Communications Commission’s authority is technology-neutral, which is particularly timely as many of the companies are using new technology. For example, many correctional facilities have expanded their use of video

¹ For a detailed overview of the dysfunctional system see *Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry* by Drew Kukorowski, Peter Wagner and Leah Sakala (Prison Policy Initiative), May 8, 2013, available at <https://www.prisonpolicy.org/phones/>

² For an overview of the litigation, see *Prison Phone Update: Appellate Court Deals Major Blow to Prisoners and Their Families* by Carrie Wilkinson (Prison Legal News), June 30, 2017, available at <https://www.prisonlegalnews.org/news/2017/jun/30/prison-phone-update-appellate-court-deals-major-blow-prisoners-and-their-families/>

calling technology, which has not only led to banning of in-person visits,³ but also threatens to circumvent regulation.

Unfortunately, too often, our nation's criminal justice policies fail to recognize and support the powerful and positive role families play in rehabilitation. This trend is not only harmful to families trying to stay together during the hardship of incarceration; it is also misguided correctional policy. Improving the ability of families, clergy and others to maintain a relationship with incarcerated people improves the safety of all communities. And yet visiting an incarcerated loved one is already difficult for many. Correctional facilities are often located far away from people's home communities, forcing families to rely on phone calls to stay in touch. A recent study found that more than a third of families surveyed went into debt to cover phone and visitation costs.⁴

The Inmate Calling Technical Corrections Act would enable the Federal Communications Commission to revive the work it has already completed to reduce the cost of telephone communication home from prisons and jails and ensure the new law will be effective regardless of which technology is used to provide communications services. It will also ensure that inmates with disabilities receive protection.

We are hopeful that the Inmate Calling Technical Corrections Act will rein in the exploitation of families of incarcerated people throughout the country. This bill recognizes and respects the humanity of incarcerated people by offering them the same consumer protections afforded to the rest of the nation's consumers.

On behalf of the millions of children of incarcerated parents, we thank you for your leadership and look forward to working with you to ensure passage of the Inmate Calling Technical Corrections Act of 2018.

Sincerely,

A New PATH (Parents for Addiction Treatment & Healing)
A New Way of Life Re-Entry Project
Access Humboldt
American Psychological Association
California Families Against Solitary Confinement
California National Organization for Women
Californians United for a Responsible Budget (CURB)
CANDO Foundation
Center on Juvenile and Criminal Justice
Church of Scientology National Affairs Office

³ Seventy-four percent of local jails across the country that adopt video visitation eliminate in-person visits. See: *Screening Out Family Time: The for-profit video visitation industry in prisons and jails* by Bernadette Rabuy and Peter Wagner (Prison Policy Initiative), January 2015, available at <https://www.prisonpolicy.org/visitation/report.html>

⁴ *Who Pays? The True Cost of Incarceration on Families* by Saneta deVuono-powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi (Ella Baker Center for Human Rights, Forward Together, and Research Action Design) September 2015, available at: <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

Color of Change
Community Works West
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Cunningham Township Supervisor's Office
CURE (Citizens United for Rehabilitation of Errants)
Defending Rights & Dissent
Ella Baker Center for Human Rights
End Solitary Santa Cruz County
Face To Face Knox
FAIR CHANCE PROJECT
FedCURE
Franciscan Action Network
Freedom for Immigrants (formerly CIVIC)
Friends of Guest House
Helping Educate to Advance the Rights of Deaf Communities (HEARD)
Human Rights Defense Center
Illinois Campaign for Prison Phone Justice
Interfaith Action for Human Rights
International CURE
Islamic Society of North America
Justice Strategies
LatinoJustice PRLDEF
Legal Services for Prisoners With Children
Life for Pot
LPS/LIFE Progressive Services Group Inc
Maine Prisoner Advocacy Coalition
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance of Faith and Justice
National Association of Social Workers
National Hispanic Media Coalition
National Urban League
New Jersey Advocates for Immigrant Detainees
No Exceptions Prison Collective
OCA – Asian Pacific American Advocates
Opportunities, Alternatives and Resources of Tompkins County, NY
Organize Justice
OVEC-Ohio Valley Environmental Coalition
Place4Grace
Prison Policy Initiative
Prisonwatch Network
Public Knowledge
Queer Detainee Empowerment Project
Riverside All of Us or None
Social Workers Against Solitary Confinement
Starting Over, Inc.
StoptheDrugWar.org
The Jordan Center
The Ladies of Hope Ministries (The LOHM)
The Leadership Conference on Civil and Human Rights
The National Council for Incarcerated and Formerly Incarcerated Women and Girls

The United Methodist Church - General Board of Church and Society
UCIMC
UCLA Prison Law and Policy Program
Union for Reform Judaism
United Church of Christ, OC Inc.
Voice of the Experienced
Volunteers for Hancock Jail (ME) Residents (VHJR)
Working Narratives

David Miles
Ellen Barry
Ms. Gail Smith
Jamila Hammami, MSW
Joanne Hessmiller, Ph.D., LCSW
Judy Schuler
Kristie E. Puckett, MA
Penny Schoner
Robin Davenport
Sharon Dolovich, Professor of Law, UCLA School of Law, Director, UCLA Prison Law and
Policy Program
Tamara Sanford
Topeka K. Sam
Ms. Veronica Schweyen
Whitney Foskey