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PREPARED TESTIMONY OF
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SUBMITTED ON BEHALF OF
CENTER FOR ACCESSIBLE TECHNOLOGY

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1 **I. INTRODUCTION**

2 The purpose of this testimony is to provide factual background regarding the
3 communications needs of incarcerated persons, specifically focusing on video conferencing. In
4 its May 20, 2022 Assigned Commissioner’s Ruling Amending Phase II Scope and Schedule and
5 Directing Testimony (“Ruling”), the Commission invited testimony on two overarching issues:

- 6 1. Should the Commission consider requiring IPCS providers to bifurcate contracts
7 providing voice-only calling services and video calling services to incarcerated persons
8 such that contracts bundling the two services together are not permitted?
- 9 2. Should the Commission consider requiring IPCS providers to bifurcate contracts
10 providing voice-only calling services with any other service (texting, e-mail,
11 entertainment, educational services) such that contracts bundling any other service with
12 voice-only calling services are not permitted?¹

13 The Ruling provided a number of additional questions regarding video calling services. Those
14 questions also directed providers to “separately address the general incarcerated population and
15 incarcerated persons with disabilities or those with a support person with disabilities.” This
16 testimony will address the Commission’s questions regarding the use of Video Calling Services.

¹ Ruling at pp. 2-3.

1 **II. DISCUSSION**

2 **Should the Commission Consider Requiring IPCS Providers to Bifurcate**
3 **Contracts Providing Voice-Only Calling Services and Video Calling Services**
4 **to Incarcerated Persons Such that Contracts Bundling the Two Services**
5 **together are not Permitted?**

6 **Should the Commission Consider Requiring IPCS Providers to Bifurcate**
7 **Contracts Providing Voice-Only Calling Services with Any Other Service**
8 **(Texting, E-Mail, Entertainment, Educational Services) Such that Contracts**
9 **Bundling Any Other Service with Voice-Only Calling Services Are not**
10 **Permitted?**

11 Providers’ Opening Testimony² demonstrated that the individual providers offer bundled
12 services in some of their contracts.³ This includes both bundled voice/video contracts⁴ and
13 bundled voice/other services contracts.⁵ The providers claim that voice and video services are
14 priced separately in most instances.⁶

15 Providers attempt to portray their pricing as “a la carte” and claim that they individually
16 price the components of bundled services. However, providers do not address the ample
17 evidence that they are *cross-subsidizing* services.⁷ These cross-subsidies appear in two forms:
18 (1) using revenue from communications services to subsidize other services purchased by

² Three providers submitted information in response to the Commission’s requests, including GTL/ViaPath (Amended Opening Testimony of Global Tel*Link Corporation d/b/a ViaPath Technologies (U-5680-C), Securus (Testimony of Russel Roberts (July 19, 2022); Testimony of Michael Eric Williamson (July 19, 2022)), , and NCIS (Brief on Amended Phase II Scoping Memo of Network Communications International Corporation d/b/a NCIC Inmate Communications (U 6086 C) (July 19, 2022); Supplemental Brief on Amended Phase II Scoping Memo of Network Communications International Corporation d/b/a NCIC Inmate Communications (U 6086 C) (July 20, 2022) (authorized by Administrative Law Judge’s Ruling Ordering Correction of Submittals (August 5, 2022)).

³ Hall (GTL/ViaPath) Testimony at pp. 4-5; Roberts (Securus) Testimony at pp. 3-5; NCIS Supplemental Brief at pp. 2-4.

⁴ Hall (GTL/ViaPath) Testimony at pp. 4-5; Roberts (Securus) Testimony at pp. 3-5; NCIS Supplemental Brief at pp. 2-4.

⁵ Hall (GTL/ViaPath) Testimony at pp. 4-5; Roberts (Securus) Testimony at pp. 3-5; NCIS Supplemental Brief at pp. 2-4.

⁶ Hall (GTL/ViaPath) Testimony at p. 4; Roberts (Securus) Testimony at p. 8; NCIS Supplemental Brief at p. 3.

⁷ A “cross subsidy” refers to a situation in which a firm’s uses its profits from one activity to pay for another activity that is losing money or making less money.

1 carceral facilities, and (2) using revenue from communications services to offset the cost of
2 services for incarcerated persons that the providers characterize as “free.”

3 **1. Providers have Historically Used Revenue from Communication**
4 **Services to Offset the Cost of Non-Communications Services**
5 **Marketed to Carceral Facilities.**

6 All three providers acknowledge that they sell communications services bundled with
7 non-communications services such as facility management services,⁸ security services,⁹ payment
8 services,¹⁰ and staff communications and notices to and from incarcerated persons (including
9 statutorily mandated processes for reporting of sexual harassment or sexual abuse of incarcerated
10 persons).¹¹

11 Throughout this proceeding, providers have claimed that regulation of IPCS would
12 impact the ability of carceral facilities to afford or provide these additional services.¹² For
13 example, GTL/ViaTech noted CDCR’s concern that capping ICPS phone rates could harm
14 CDCR’s “ability to afford to install and maintain a managed access system (“MAS”), a vital
15 means of combatting contraband wireless communications amongst inmates.”¹³ However,
16 GTL/ViaTech fails to address the fact that GTL/ViaTech has often used calling services revenue
17 to offset its costs for additional services. As HRDC/Prison Legal News noted in its June 19,
18 2017 comments to the Federal Communications Commission:

19 It should be noted that Global Tel*Link (GTL), the largest prison telecom provider in the
20 U.S., does not attempt to hide the source of funding for its managed access system in
21 California; the company pays for all equipment, installation and operating costs for
22 providing managed access in state prisons. As a result, corrections officials describe the

⁸ Hall (GTL/ViaPath) Opening Testimony, Attachment A at p. 2.

⁹ Roberts (Securus) Opening Testimony at p. 5; Hall (GTL/ViaPath) Opening Testimony, Attachment A at p. 2.

¹⁰ Hall (GTL/ViaPath) Opening Testimony, Attachment A at pp. 4, 6.

¹¹ NCIC Supplemental Testimony at p. 2. While not the focus of this proceeding, and arguably beyond the Commission’s jurisdiction to address, the fact that some carceral facilities are outsourcing their statutory duty to assist incarcerated persons who have been sexually harassed or assaulted is deeply disturbing.

¹² PayTel Opening Comments on Staff Report at p. 4.

¹³ GTL Opening Comments on OIR at p. 10.

1 deal as “‘risk-free’ for taxpayers,” while “company officials expect to offset those costs
2 through increased demand for the pay phones.” Increased diligence and transparency will
3 be required on all fronts to ensure that the cost of prison phone calls does not increase to
4 offset the cost of managed access systems by IPCS providers. Many managed access
5 systems are brought to us by the same companies that have price-gouged prisoners and
6 their families for decades – we cannot trust them to be fair, just and reasonable in any
7 dealings with detention facilities where prisoners and their families pay the actual costs.
8 Indeed, GTL and other telecom companies do not invest millions of dollars in cell phone
9 interdiction systems at their own expense without expecting to recoup their investment,
10 and historically such costs have been paid by prisoners’ family members.”¹⁴

11 Similarly, providers have argued that capping rates for ICPS would interfere with carceral
12 facilities’ ability to collect site commissions from providers.¹⁵ In making that argument,
13 providers admit that they recover the cost of those site commissions through communications
14 services revenue.¹⁶

15 The Commission should reject providers’ claims that their prices for communications
16 services are “unbundled,” because the revenue derived from those services at those prices does
17 not solely cover the cost of providing the services. Rather, they allow providers to offset the cost
18 of site commissions/kickbacks and non-communications services provided to carceral facilities.
19 In fact, as HRDC noted in a 2017 ex parte letter to the FCC, in some instances, IPCS providers
20 hire “consultants” to lobby correctional agencies for monopoly contracts, and those consultants’
21 fees are paid for “by prisoners and their families through inflated phone rates and fees, not by the

¹⁴ HRDC, June 19, 2017 Comment on Report and Order and Further Notice of Proposed Rulemaking at p. 5, Fed. Comm. Comm’n, In the Matter of Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities, GN Docket 13-111 (citations omitted) (Exhibit 1).

¹⁵ Paytel Opening Comments on Staff Report at p. 5; Securus Opening Comments on Staff Report at pp 2-3, 4.

¹⁶ Securus Opening Comments on Staff Report at pp. 2-3; Securus Opening Comments on OIR at p. 5.

1 companies, their investors or the government agencies that grant them the monopoly contracts to
2 exploit the prisoners in their custody.”¹⁷

3 **2. Providers’ Recoup the Cost of So-Called “Free” Programs and**
4 **Services from Incarcerated Persons and their Families.**

5 Providers rush to provide examples of “free” services that they offer to incarcerated
6 persons. For example, NCIC provides a list of eighteen different “free” services, from certain
7 free calls, to processing medical requests, to access to facility handbooks and rules and
8 regulations and the facility law library, to the ability to report suicide attempts or sexual
9 harassment or assault.¹⁸ Securus notes that its ConnectUS user interface gives incarcerated
10 persons access to “the ability to file grievances, order from the commissary, access educational
11 material, watch approved videos or other forms of entertainment, read newsstand materials,
12 access the inmate handbook, request an emergency visitation, report illnesses, access certain
13 forms, search for jobs or access the law library.”¹⁹ GTL/Viapath offers a deposit and account
14 management portal²⁰ and “access to legal resources; rapid and reliable correspondence with
15 correctional officials; extensive libraries of music, eBooks, and games; educational and
16 vocational resources designed to assist incarcerated individuals’ rehabilitation and reentry; and
17 content from social, medical, and substance abuse groups *at no cost to the individual.*”²¹

¹⁷ Ex Parte Letter from HRDC to Former FCC President Ajit Pai, In the Matter of Rates for Interstate Inmate Calling Services, WC Docket No. 12-375 (December 28, 2012) (Exhibit 2). In some instances, this behavior includes alleged bribery. Christopher Zoukis, Global Tel*Link Settles Mississippi Prison Bribery Case for \$2.5 Million (April 2, 2018), *available at* <https://www.prisonlegalnews.org/news/2018/apr/2/global-tellink-settles-mississippi-prison-bribery-case-25-million/> (last accessed Sept. 19, 2022).

¹⁸ NCIC Opening Testimony, Exhibit A.

¹⁹ Roberts (Securus) Opening Testimony at pp. 5:17-24; 6:1. It is unclear which of these services, if any, Securus offers for “free” to incarcerated persons.

²⁰ Hall (GTL/ViaPath) Opening Testimony at p. 4:27-28; p. 5:1-2.

²¹ GTL Opening Testimony at p. 10:10-17; p. 11:1-2 (emphasis added).

1 Much like they do when discussing non-communications services provided to carceral
2 facilities, providers argue that unbundled pricing or limiting costs to the provision of
3 communications services only would lead to the elimination of these “free” services. NCIS
4 states that “[i]f IPCS providers were required to enter into several agreements for different IPCS
5 services, it is likely that the funding mechanisms which make possible the provision of
6 correctional support services will be affected, which could detrimentally impact whether
7 incarcerated persons and the correctional agencies would continue to have access to those
8 services.²² GTL/ViaPath states that its ability to offer additional “free” services “stands as a
9 sharp contrast to traditional voice-only calling services, where the return on correctional facility
10 investments is largely limited to the cost and reliability of telephone calls themselves.”²³
11 Providers’ “free” services are not “no cost” services. Rather, providers recoup the cost of those
12 free services from revenue from communications services. In other words, incarcerated persons,
13 their families, and their support networks are *themselves* paying for service which the providers
14 then characterize as free.

15 None of the IPCS providers have customers who make payments to them except for
16 incarcerated persons and their families. Anything they claim to provide for “free” is in fact being
17 paid for by their captive customers who have no say or choice in who provides these services nor
18 what will be charged for them. Rather than allow this charade of “free” services to continue, the
19 Commission should require that all audio and video calling services be unbundled so the costs of
20 the services, and who is paying for them, are clear to consumers and policy makers.

21 IPCS providers have long used the threat of incarcerated persons somehow losing access
22 to programs or benefits if there is transparency in how money flows to and through these

²² NCIC Supplemental Opening Brief at p. 2.

²³ GTL Opening Testimony at p. 10:10-17; p. 11:1-2 (emphasis added).

1 companies. If these programs are so important, the detention facilities can and should go to the
2 relevant legislative funder and seek financial appropriations to pay for these programs or
3 services. It should not be left to incarcerated persons and their families to subsidize government
4 programs. It is also antithetical to any functioning democracy to have corporations doling out
5 millions of dollars to government officials with no oversights or restrictions.

6 **3. Providers Do Not Explain How the Costs of Back Office Functions are**
7 **Shared Between Voice and Video Services.**

8 Providers universally note that their service contracts can include services provided for
9 both telephone and video services. For example, Securus states that “[a] contract may include
10 installation, maintenance, customer support or other provisions that are applicable to both”
11 telephone and video services.²⁴ GTL/ViaPath notes that it uses common customer service
12 support centers, program and project implementation teams, maintenance teams, and centralized
13 data centers.²⁵ GTL/ViaPath also use hardware and software to deliver both voice and video
14 calling services.²⁶ NCIC states that “[m]ost IPCS providers use the same bandwidth for all
15 services” and “also use the same technicians to service phones, video visitation kiosks, and
16 tablets.”²⁷ However, none of the providers explain how the costs of these services are divided
17 between voice and video calling services. It is possible that the providers are assigning a
18 disproportionate amount of the costs to one of the services, resulting in cross-subsidization and
19 making it impossible to determine their actual costs and profits.

20 **4. The Commission should Prohibit Bundled Services in IPCS**
21 **Contracts.**

22 The Commission should prohibit IPCS providers from bundling any services together.

²⁴ Roberts (Securus) Opening Testimony at p. 10:1-2.

²⁵ Hall (GTL/ViaPath) Opening Testimony at p. 4:17-27.

²⁶ Hall (GTL/ViaPath) Opening Testimony at p. 5:11-14.

²⁷ NCIC Supplemental Opening Brief at p. 4.

1 Contracts for video calls should address only video calling and contracts for audio calls should
2 address only audio calling. By their very nature as monopoly services, these companies use their
3 phone contract monopoly to secure and further leverage their position to obtain still further
4 monopolies around tablets, money transfer services, debit cards, email and text messaging. This
5 is all to the detriment of consumers. By requiring standalone contracts, the Commission and the
6 public at large would benefit from a modest degree of transparency that to date has never
7 occurred within the IPCS industry. Telephone consumers should not be subsidizing these
8 additional services.

9 **Section 4.3, Question 1: What type of communications currently used by**
10 **incarcerated persons are best served by video calling services (remote and**
11 **onsite) versus voice-only communications? Response may address current**
12 **(actual) uses as well as future (potential) uses.**

13 **1. Video Calling Services Can Benefit Early Childhood Development.**

14 ***a. Young Children are not Well-Served by Voice-Only Calls.***

15 2.7 million children in the United States have a parent who is incarcerated, and seven
16 percent of all children in the United States have had a parent incarcerated at some time in their
17 life.²⁸ Children under 5 years old have a hard time understanding how to communicate using a
18 telephone.²⁹ During telephone conversations, young children tend to “communicate as if the
19 person were in the room with them.”³⁰ Typical behaviors include gesturing to objects in the room
20 where the child is located and forgetting to hold the phone in the correct position to hear or be
21 heard.³¹ Additionally, young children also have difficulties articulating clearly with words alone:
22 they rely on body language and facial expressions as a critical part of the communication

²⁸ Lindsey Cramer, Margaret Goff, Bryce Peterson, and Heather Sandstrom, Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice at p. 1 (April 2017) (Exhibit 3).

²⁹ Rafael Ballagas, Joseph ‘Jofish’ Kaye, Morgan Ames, Janet Go, and Hayes Raffle, Family Communication: Phone Conversations with Children at pp. 320-321 (June 2009) (Exhibit 4).

³⁰ *Id.*

³¹ *Id.*

1 process.”³²

2 Telephone-only conversations often make communication and engagement more difficult
3 for young children who do not have conversational skills like turn-taking, asking questions,
4 listening skills, and storytelling to have meaningful conversations. Even children that are
5 normally talkative face-to-face can regress to yes and no responses in phone conversations.³³
6 One study found that children up to 9 years old had difficulties staying engaged in the phone
7 conversation, noting that the study participants’ “words and actions suggested that they didn’t
8 feel connected with the remote party, and typically perceived talking on the phone to be a
9 chore.”³⁴

10 ***b. Remote Video Calls are Superior to Phone Calls for Early***
11 ***Childhood Development and Parental Involvement.***

12 Research indicates that for young children, the presence of a parent through a video
13 connection has similar effects to having that parent be physically present.³⁵ Children are willing
14 to videoconference for much longer than they are willing to talk on the telephone and find video
15 conversations enjoyable.³⁶ “Video heightens shared context and provides opportunities for social
16 interaction around the situation; the visual awareness also affords different conversation topics
17 where users can show rather than tell.”³⁷ One study noted that incarcerated parents felt that they
18 were better able to stay actively involved in their children’s’ lives:

³² Exhibit 4 at pp. 320-321.

³³ *Id.*

³⁴ Exhibit 3 at p. 322.

³⁵ Joanne Catherine Tarasuik, Roslyn Galligan, and Jordy Kaufman, *Almost Being There: Video Communication with Young Children* at p. 2 (2011) (Exhibit 5).

³⁶ Exhibit 4 at p. 322.

³⁷ Exhibit 4 at p. 322. The study described in this report noted:

1 Video visits allowed incarcerated parents to participate in and connect to their children’s
2 lives. One mother said that her young daughter had not recognized her at the start of in-
3 person visits for the first few years of her incarceration. The more consistent visual
4 contact made possible through video visits helped to relieve the estrangement: “Now she
5 does [recognize me] and writes more and talks on the phone more.”³⁸

6 Finally, there is evidence that the use of videoconferencing results in an increase in in-
7 person visits of as high as forty-nine percent.³⁹ This increase in visits appears to occur regardless
8 of how far from home people were incarcerated.⁴⁰

9 *c. Video Calls are not a Replacement for In-Person Visits.*

10 While video calling has meaningful benefits in comparison with voice-only calling, it is
11 not a substitute for in-person contact visits, particularly for infants and young children.”⁴¹
12 “Infants as well as small children who are not held by parents during prison visitations develop
13 an increase in anxiety, mental health problems, and antisocial behaviors.”⁴² In-person contact

To form relationships with young children, conversation is not successful in itself: families must be able to play together.... Play is supported by the physicality video allows, including richer physical expression through facial expressions and body language. Physicality manifests itself in several ways: children use the video camera to show-and-tell their new lunchbox – or lizard, or rocks, or nightlight. Others take advantage of the opportunities for performance: we saw grandchildren singing songs or playing the trumpet to perform for appreciative grandparents. We witnessed many “skype kisses”, where family members leaned towards the camera and made kissing sounds and gestures (sometimes including family pets).

³⁸ Léon Digard, Jessi LaChance, and Jennifer Hill, *Closing the Distance: The Impact of Video Visits in Washington State Prisons* at p. 12 (August 2017) (Exhibit 6).

³⁹ Exhibit 6 at p. 11. It should be noted that the study cited in this report noted that “users of the video service had stronger relationships with people in the community before video visits were introduced.” *Id.*

⁴⁰ Exhibit 6 at p. 11.

⁴¹ Susan D. Phillips, Ph.D., *Video Visits for Children Whose Parents are Incarcerated: In Whose Best Interest?* at p. 3 (Oct. 2012) (Exhibit 7).

⁴² Exhibit 7 at p. 6. “Moreover, years of psychological research fortify the need for face-to-face and contact visits. Since the nineteenth century, psychologists have recognized that humans have a biological need to be touched. This need has been described as an “actual hunger for touch that can be met only through contact with another human being.” Recent studies have shown that the touch can reduce stress levels, create a level of trust between people, and lead to heightened levels of performance. For instance, the need for physical attachment can easily be seen in newborns and infants when a parent is sent to jail....Therefore, correctional policies that allow contact visits would likely reduce these efforts on children as well as the adults.” *Id.*

1 visitation is the best means of communication between children and incarcerated parents and is
2 “regarded as the most effective form of child-incarcerated parent visitation.”⁴³

3 **2. Video Calling Services are an Effective Means of Delivering Some**
4 **Mental Health Services.**

5 Carceral facilities have long provided substandard health care, including mental health
6 care, to incarcerated persons. “Lack of proper psychiatric services has led to untreated mental
7 illnesses such as depression, anxiety, bipolar disorders, and schizophrenia being common in the
8 inmate population.”⁴⁴ A 2021 study examined Behavioral Activation Therapy (used to treat
9 PTSD and Major Depressive Disorder), Cognitive Behavioral Therapy, Cognitive Processing
10 Therapy, and Prolonged Exposure Therapy administered via teleconference.⁴⁵ The study
11 determined that those therapies delivered over videoconference were as effective as in-person
12 treatment.⁴⁶ The American Psychiatric Association has found that the COVID-pandemic
13 resulted in reduced access to stable care in jails, and has recommended that carceral facilities
14 provide visitation via video visits for incarcerated persons with mental health issues.⁴⁷

15 Until recently, many contracts for video calling required that facilities end all in person
16 visitation. In some states including California, legislation was enacted prohibiting this practice.⁴⁸
17 It is worth noting that in a number of countries, including India, Ireland, The Netherlands and the

⁴³ Exhibit 7 at p. 6, citing Crabbe, M. (2002). Virtual visitation program uses video conferencing to strengthen prisoner contacts with families and children, citing Offender Program Report, 6, 35-36, 47, available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=197834>.

⁴⁴ Stacie Anne Deslich, MA, MS; Timothy Thistlethwaite, MD; Alberto Coustasse, DrPH, MD, MBA, MPH, Telepsychiatry in Correctional Facilities: Using Technology to Improve Access and Decrease Costs of Mental Health Care in Underserved Populations at p. 80 (Exhibit 8).

⁴⁵ Substance Abuse and Mental Health Services Administration, Telehealth for the Treatment of Serious Mental Illness and Substance Use Disorders at pp. 20-23 (2021) (Exhibit 9).

⁴⁶ Exhibit 9 at pp 20-23.

⁴⁷ American Psychiatric Association, Committee on Psychiatric Dimensions of Disaster and COVID-19 and the Council on Psychiatry and Law, The Impact of COVID-19 on Incarcerated Persons with Mental Illness at p. 2 (2020) (Exhibit 10).

⁴⁸ Cal. Gov’t. Code § 15820.948; Cal. Penal Code § 4032.

1 Philippines, among others, video calling is provided as a free service to incarcerated persons and
2 their families using free commercial services such as Skype or WhatsApp. The difference is
3 these countries do not have privately owned telecommunications companies monetizing human
4 contact.

5 During the Covid pandemic as virtually all prisons and jails suspended in person
6 visitation, video calling became an essential means to maintain visual contact between
7 incarcerated persons and their families. Video calling should never be a replacement for in
8 person visitation and, given the importance of human and familial contact, should be provided
9 either at cost or no cost to incarcerated persons and the public.

10 **Section 4.3, Question 4: What is an essential amount of calling time**
11 **and frequency of calls for incarcerated persons on a monthly basis, if any, for**
12 **(a) voice-only communication services; and (b) video calling services?**
13 **Responses to this question shall consider incarcerated persons' (c) access to**
14 **social services, attorney support, educational services, telemedicine services,**
15 **and/or other services necessary to for reentry into society; and (d) access to**
16 **communication with loved ones. Studies or expert opinions must be fully**
17 **cited. Responses may address the impacts of service quality disruptions. W**

18 Incarcerated persons' access to both audio and video calling services should include
19 access between 6 AM and 9 PM, which reflects the schedules and availability of people
20 receiving the calls. Additionally, incarcerated persons should have additional access to both
21 audio-only and video calling during emergencies such as covid, and holidays. Ideally
22 incarcerated persons should have communications access throughout the day and evening. With
23 the advent of tablets there are fewer technological reasons to not have constant access to
24 communications.

25 The monopoly nature of the current IPCS contracts gives providers no incentive to
26 improve service, quality or reliability since the consumers are literally a captive market with no
27 choice or option in selecting their provider. For these reasons, we reiterate that consumers should

1 be allowed to choose their audio and video calling provider which would give them an incentive
2 to both lower prices and improve services.

3 Securus reports using “per session” pricing for video conferencing services.⁴⁹ Surveys of
4 incarcerated persons who use videoconferencing services report high levels of dissatisfaction
5 with picture and sound quality and other technical issues that result in “freezes,” voice delays,
6 and other issues that make communication difficult.⁵⁰ For an incarcerated person paying per
7 session for videoconferencing services, these issues reduce the already limited amount of time
8 for communication

9 Persons with disabilities often face additional challenges with videoconferencing that
10 impact the amount of time for communication. Some touchscreen-enabled kiosks are one
11 hundred percent inaccessible for blind or low vision incarcerated individuals. Incarcerated
12 persons with disabilities may need to set up and troubleshoot assistive technology such as
13 amplified headphones, physical keyboards (an important accommodation for incarcerated
14 persons who are both deaf and blind), or accessibility features built into the videoconferencing
15 service itself. Video calling services used at carceral facilities often do not connect directly to a
16 sign language interpreter.

17 All of these challenges can result in incarcerated persons getting disproportionately less
18 “communication time” during an IPCS video. For example, Securus prices video calls on a per-
19 session basis,⁵¹ i.e. a flat rate for a 20, 30, or 60 minute phone call. An incarcerated person with
20 a hearing disability may need to use a sign language interpreter, and the amount of time that
21 interpreter takes to facilitate communication will take up a significant portion of a time-limited

⁴⁹ Roberts (Securus) Opening Testimony at p. 14;

⁵⁰ Exhibit 6 at p. 14.

⁵¹ Roberts (Securus) Opening Testimony at p. 8.

- 1 session. Any per-session video calls should provide additional time as required to address
- 2 accessibility issues at no additional cost.

STATEMENT OF QUALIFICATIONS OF PAUL WRIGHT

Mr. Wright is the Executive Director of the Human Rights Defense Center (HRDC), an organization with substantial expertise on issues relevant to people who are incarcerated. The Center for Accessible Technology (CforAT) is working with HRDC, with HRDC serving as a subject matter expert in the proceeding to address just and reasonable rates for communications services for incarcerated populations in California.

Mr. Wright is a 1987 graduate of the University of Maryland. A former incarcerated person, Mr. Wright was imprisoned for 17 years in Washington state until his release in 2003. In 1990, while he was incarcerated, Mr. Wright founded Prisoners' Legal News (PLN), with the original purpose of publishing a monthly newsletter to give a voice to incarcerated persons. From the modest beginnings of a prison-based newsletter with a \$50 budget and an all-volunteer grassroots base, Mr. Wright grew the organization (later renamed the Human Rights Defense Center, or HRDC) into a national 501(c)(3) organization with 14 employees, including three staff attorneys. HRDC is headquartered in Lake Worth, Florida.

Mr. Wright has held the position of founder and executive director of PLN/HRDC since 1990. Mr. Wright has co-authored three PLN anthologies: *The Ceiling of America: An Inside Look at the U.S. Prison Industry* (Common Courage, 1998); *Prison Nation: The Warehousing of America's Poor* (Routledge, 2003); and *Prison Profiteers: Who Makes Money from Mass Imprisonment* (New Press, 2008).

Under Mr. Wright's leadership, HRDC currently distributes around 50 different criminal justice, legal and self-help titles, and continues to publish Prison Legal News, which has become

a 72-page monthly publication with subscribers in all 50 states and internationally. HRDC also publishes Criminal Legal News, which reports on criminal case law and news related to prosecutors, policing and sentencing. In addition to publishing, HRDC engages in litigation in support of incarcerated person rights, with a robust litigation project that has filed suit against prison and jail officials nationwide. During and since his incarceration, Mr. Wright has successfully litigated a wide variety of censorship and public records cases against prison systems around the country, both as a pro se plaintiff and on behalf of PLN.

In 2011, under Mr. Wright's leadership, HRDC co-founded the national Campaign for Prison Phone Justice (www.phonejustice.org, www.prisonphonejustice.org), which seeks to reduce the cost of phone calls made by incarcerated persons. This resource was cited by the Commission when it issued the Order Instituting Rulemaking that initiated the prison phone rates proceeding for which HRDC is consulting. HRDC has maintained the campaign since its founding. Additionally, HRDC founded the Stop Prison Profiteering campaign (www.stopprisonprofiteering.org), which seeks to end the financial exploitation of incarcerated persons and their families through fee-based video visitation, debit release cards and money transfer fees, among other services, and the Prison Ecology Project (www.prisonecology.org), which examines the intersection between criminal justice and environmental justice.

Mr. Wright has testified several times before the Federal Communications Commission (FCC) during hearings concerning rule making for detention facility calling services. He has also submitted numerous comments to the FCC around the same proceedings.

Mr. Wright has written and publicly spoken extensively around the prison telecommunications services on a national basis since 1992.

Mr. Wright served as the National Lawyers Guild Jailhouse Lawyer co-vice president (1995-2008). He is a 2005 Petra Fellow, and he has been granted multiple awards and honors, including:

- Freedom Fighter of the Month, July 2006, from High Times Magazine;
- The James Madison Award, 2007, from the Washington Coalition for Open Government;
- The Arthur Kinoy Award, 2008 (inaugural recipient), from the National Lawyers Guild;
- Distinguished Public Interest Service Award, 2011, from the City of New York Law School;
- The Julio Medina Freedom Award, 2017, from Citizens Against Recidivism;
- A New York City Council Citation, 2017;
- The Frederick Douglas Award, 2018, from the Frederick Douglass Family Initiatives and the Antiracist Research and Policy Center at American University in Washington DC.

Mr. Wright also currently serves on the board of the National Police Accountability Project, a position he has held since 2007.