February 20th, 2013

To: FEDERAL COMMUNICATIONS COMMISSION
Re: WC Docket No. 12–375; FCC 12–1676

Michigan- Citizen’s for Prison Reform wishes to thank the Commission for the opportunity to reply on the matter of FCC proceedings regarding Inmate Calling Services rate caps. As family of loved ones incarcerated in the Michigan Department of Corrections (MDOC), this is of great concern to our members. Our grass roots all-volunteer organization evolved out of mutual, significant and a compelling need to advocate for our prisoner loved ones. A majority of our membership has a loved one with chronic physical, psychological, or emotional challenges. Many of our members find it necessary to daily monitor, mentor or intervene for our loved ones inside.

There can be no doubt to the value of existing familiar relationships to recognize a mental/medical health crisis of our loved one, within our overcrowded and forbidding prison facilities. Contact visitation if allowed is not private, is a certain number of days per month, limited to specific days/hours, plus travel time and distance and personal economic hardships, make it difficult to maintain contact. Phone contact is vital to allow precautionary monitoring of symptoms to recognize a recurrent deterioration. After one such inmate phone conversation, a member of our organization was able to alert prison staff of her belief that her son was going to attempt suicide. Because of this mother and inmate son’s phone conversation and her persistence to alert prison staff that immediate attention was required, this suicide attempt was intercepted in progress in time to save his life.

We believe that a Centralized Authority is needed to regulate intrastate as well as interstate Inmate Calling Services, warranted by evidence of historical factors and insecure future rates, as well as present rates not giving competitive advantage. Phone rates are discretionary to Department of Corrections arbitration.

According to Citizen’s Alliance on Prison & Public Spending, Michigan Inmate phone service prices were unreasonable until August 2008. Prisoner Advocacy Groups working with sympathetic Legislatures prohibited Corrections surcharges by stipulation in Boilerplate Corrections Appropriations, stating that inmate calls must be the same as fee schedules for calls placed outside of the correctional facilities, except for surcharges necessary to meet special equipment costs. Phone rates immediately dropped from $7.52 for a 15 minute call to $1.50.

On February 9, 2011 the MI inmate calling service nearly doubled, without any advance notification to users. We learned that the MDOC had awarded a new contract to PCS/Global Tele Link despite the fact that all the other bidders offered base rates that were substantially lower. This contract including base rate, key word search and special equipment fund, allows the special equipment fund rate - 76.6% of the rate increase for the MDOC’s Discretionary Fund.

The new inmate phone service has been plagued with severe numerous problems with phone service quality, inability to deposit funds via web or by automated phone depositing, web viewing of call and deposit history, exorbitant fees to set up accounts and add monies to accounts, to name a few. The MDOC and a GTL representative met with a group of Michigan Citizens for Prison To: Reform board members dissatisfied with reoccurring service malfunctions, yet most all problems to this date persist. Inside the
facilities, the problems and inconsistent operation of the phones continue without an avenue to report or get repairs. We have no options but to pay premium rates for inferior service.

The Commission asks, whether the current regulatory regime applicable to provision of inmate calling services is responsive to the needs of correctional facilities, ICS providers, and inmates?

As inmate loved ones, we are private citizens-tax payers, yet unprotected consumers. We do not believe that our needs are considered, but that prisoner phones are a mega industry of opportunity focused on making a profit for the phone company and Corrections. In 2011, Michigan prisoners made 13 million phone calls — nearly 300 per inmate. Inmates typically earn less than $1 a day at prison jobs. As Michigan citizens we are living in the aftermath of the worst financial crisis since the Great Depression. Yet, the MDOC, in its effort to fight the slump, has used their unlimited power with ICS phone contacts to add a mandatory Special Equipment Fund that further disadvantages citizens.

It is difficult to distinguish the special equipment fund from the statutorily prohibited surcharge in light of the following passage in the Executive Summary to PCS’s Telephone Pricing Clarification: "Understanding that budgets are shrinking for all State agencies, as part of our Best and Final Offer, PCS is also willing to work with the MDOC to create a Special Equipment Fund to help bridge any potential budget shortfalls. The amount of this fund can be set at the discretion of the MDOC."

CC Docket No. 96-128. In response to the ICS Providers Proposal to the Alternative Wright Petition filed on August 15, 2008, citing Inmate Calling Services Call Cost Study supporting their proposed rate and rate methodology.

The Prison Phone Industry is a 2 billion dollar industry with two private companies; Global Tele Link and Securus Technologies, capitalizing on 80% of the inmate calling service corrections contracts. Global Tele Link is a provider of inmate telecommunications services with a leading share of inmates nationwide including 14 of the 20 largest state contracts. GTL’s home office in Alabama is providing interstate and intrastate phone service nationwide, without FCC regulatory constraints. Global Tele Link boasts on their website of having over 17,000 users (facilities) manage their offenders with a DSI-ITI, LLC. application.

A highly disproportionate number of inmates suffer from infectious diseases, chronic diseases, and mental illness compared with the rest of the nation’s population; according to a 3-year study requested by Congress and delivered in May 2002 by the National Commission on Correctional Health Care. Yet, when an inmate becomes ill or is a victim of violence, hospitalized, or moved to another facility for specialized treatment; prison staff do not contact the inmate’s family members. Effort must be made by family members to investigate our loved ones circumstance, based on the absence of expected phone calls.

In additional to the mental and medical issues, there is also a serious lack of programming in Michigan prisons that leads to ample time with nothing to do for inmates. Phone calls to loved ones are often the most constructive use of time and according to much research this familiar contact is often the best rehabilitative factor for most. The special equipment is used for Tasers to control negative behaviors and would be better used for programs to promote positive behaviors. Citizens, in effect, pay for programming when occupying the inmate’s time in a constructive or helpful way on the limited phone calls.

As in other states, Michigan loved ones of inmates; do not believe that prison phones rates are fair or reasonable. We do not object to paying fair market value for inmate calling services, and we realize the need for security features and the required technology. However we cannot accept the Michigan Department of Corrections profiting millions of dollars off prisoner phone calls, creating an industry for Inmate Calling Services.