

April 7, 2020

Chairman Ajit V. Pai
Commissioner Michael O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

PROTECT INCARCERATED PEOPLE AND THEIR FAMILIES
DURING THE COVID-19 CRISIS

Re: Docket Nos. 12-375, 19-232

Dear Chairman Pai, Commissioners O’Rielly, Carr, Rosenworcel and Starks:

During this unprecedented crisis, the organizations below write on behalf of our country’s most vulnerable people in terms of health and economic stability: incarcerated people and their families and loved ones. During the COVID-19 pandemic incarcerated and detained individuals are being deprived of family visits across the country in conditions that make them uniquely at risk for contracting COVID-19. As such, we urge Chairman Pai and the Federal Communications Commission (FCC) to immediately:

- Request prison phone companies offer free phone and video calls with no fees to incarcerated and detained individuals immediately for the next 60 days;
- Press the prison phone industry to commit to the Keep Americans Connected Pledge;
- Deny Securus’ and all companies’ requests to stop paying into the Universal Service Fund.

While FCC Chairman Ajit Pai sought commitments—and over 500 corporations agreed—to the Keep Americans Connected Pledge, not one prison phone company has joined in this commitment.¹ Moreover, while the failure to join other corporations is a failure to step up during a time of crisis, the existing pledge would not be enough to assist incarcerated families. Thus, we request Chairman Pai to go further by requesting a pledge from prison phone companies to offer free phone and video communication with no fees to incarcerated and detained individuals starting immediately and for the next 60 days.

Incarcerated people are not able to socially distance while inside and therefore are most vulnerable to contracting COVID-19. Moreover, in conditions where communications are limited, unjust practices may occur because incarcerated people are unable to communicate about the dangerous crowding or lack of access to medical care. Adequate communications are a matter of civil rights and public health. A few facilities are exploring or offering free communication in extremely limited circumstances, such as one or two free calls each week, for

five to fifteen minutes.² These measures don't go far enough: free calls are needed during the COVID-19 crisis.

Justice-involved families in areas most at-risk for the virus with limited access to health care are more disconnected than ever from loved ones. Predatory prison call rates, which could cost over \$1 a minute, and exploitative charges for video calls have forced families to choose between needs—like food and power—and regular contact. This problem is further exacerbated as low-wage workers are losing their jobs.

The FCC must also deny Securus Technologies' self-serving and short-sighted petition to waive its obligation to pay into the Universal Service Fund (USF)³ at a time of national emergency when low-income people, schools, libraries and rural telehealth providers will need the fund most. The FCC should not only deny the emergency waiver, but it should also deny altogether the waiver prison phone companies previously sought.⁴ The Universal Service Fund supports low-income families, schools and libraries, rural telehealth projects and rural consumers around the country. Each telecommunications company must bear its fair share in order to meet the needs of all people in the U.S. The values of universal service are embedded in our nation's communications policy⁵ and should not be set aside for companies charging some of the highest and most unjust rates in the country and with a track-record of misleading the Federal Communications Commission.⁶ If the Commission wants to insulate the families and loved ones of incarcerated people from universal service contributions, it could prohibit prison phone corporations from passing USF fees onto their customers.⁷

In sum, the Chairman and the Commission should move quickly to prioritize the needs of incarcerated people and their families. The three actions proposed here would be a meaningful contribution to their humane treatment and safety during this crisis.

Sincerely,

A New PATH (Parents for Addiction
Treatment & Healing)
American Civil Liberties Union
Asian Americans Advancing Justice | AAJC
Aspiration
Benton Institute for Broadband & Society
Carceral Tech Resistance Network
Church of Scientology National Affairs Office
Citizens for Prison Reform, Lansing, MI
Color Of Change
Common Cause
Community Justice Exchange
Congregation of Our Lady of the Good
Shepherd, U.S. Provinces
CURE (Citizens United for Rehabilitation of
Errants)
Demand Progress Education Fund
Dignity & Power NOW, Los Angeles, CA

Electronic Frontier Foundation
Ella Baker Center for Human Rights
The Episcopal Church
Families for Freedom, New York City, NY
FedCURE
Free Press
FREE! Families Rally for Emancipation and
Empowerment, New York State
Friends Committee on Legislation of California
Human Rights Defense Center
Innocence Project
JustLeadershipUSA
Lawyers' Committee for Civil Rights of the
San Francisco Bay Area
The Leadership Conference on Civil and
Human Rights
Media Alliance, California
MediaJustice

MomsRising
NAACP
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Consumer Law Center, on behalf of its low-income clients
National Council of Churches
National Disability Rights Network
National Hispanic Media Coalition
National Lawyers Guild
National Religious Campaign Against Torture NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
New City Church, Minneapolis, MN
Open Access Connections
Pax Christi USA
Prisoners' Legal Services of Massachusetts
Private Equity Stakeholder Project

Public Knowledge
Racial Justice Action Center, Atlanta, GA
Real Cost of Prisons Project
RYSE Center, Richmond, CA
Shriver Center on Poverty Law, Chicago, IL
Southern Poverty Law Center
The Surveillance Technology Oversight Project - S.T.O.P.
Texas Jail Project
The Black Alliance for Just Immigration (BAJI), Minneapolis, MN
UnidosUS
Union for Reform Judaism
Unitarian Universalist Association
United Church of Christ, OC Inc.
Voice Of The Experience, New Orleans, LA
Voices for Racial Justice
Worth Rises
Young Women's Freedom Center, California

¹ Federal Communications Commission, Press Release, *FCC'S Keep Americans Connected Pledge Surpasses 500 Signers* (March 25, 2020), available at <https://docs.fcc.gov/public/attachments/DOC-363288A1.pdf>.

² Jason Hanna, *Federal and most state prisons are banning visits to protect inmates from coronavirus*, CNN (March 14, 2020) available at <https://www.cnn.com/2020/03/14/health/prisons-coronavirus-visitations-banned/index.html>.

³ Securus Technologies, Emergency Request for Waiver, Docket No. 19-232, (March 18, 2020).

⁴ Network Communications International Corporation, Petition for Forbearance, Docket No. 19-232 (August 9, 2019).

⁵ 47 U.S.C. §151 (purpose of Communications Act is to “to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, [and] for the purpose of promoting safety of life and property”)

⁶ See Petition to Deny Transfer of TKC Holdings and Securus Technologies, WC Docket 18-193 at 11-13 (filed July 31, 2017) (describing previous consent decrees and admonishments for Securus misleading and incorrect statements to the Commission and actions that appear to violate Section 222 privacy rules).

⁷ Comments of WorthRises, Docket No. 19-232 (filed Sept. 16, 2019); *The Prison Industrial Complex: Mapping Private Sector Players* (WorthRises April 2019) available at <https://worthrises.org/picreport2019>.