

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:

The organizations below write during this unprecedented crisis 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 to contracting COVID-19. As such we urge the Federal Communications Commission (FCC) to immediately:

- Request predatory 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’ request 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.<sup>1</sup> 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 free communication in extremely limited circumstances, such as one or two free calls each week, for five to fifteen minutes.<sup>2</sup> 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)<sup>3</sup> 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.<sup>4</sup> 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 policy<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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	Real Cost of Prisons Project
National Consumer Law Center, on behalf of its low-income clients	RYSE Center, Richmond, CA
National Council of Churches	Shriver Center on Poverty Law, Chicago, IL
National Disability Rights Network	Southern Poverty Law Center
National Hispanic Media Coalition	The Surveillance Technology Oversight Project - S.T.O.P.
National Lawyers Guild	Texas Jail Project
National Religious Campaign Against Torture	The Black Alliance for Just Immigration (BAJI), Minneapolis, MN
NETWORK Lobby for Catholic Social Justice	UnidosUS
New America's Open Technology Institute	Union for Reform Judaism
New City Church, Minneapolis, MN	Unitarian Universalist Association
Open Access Connections	United Church of Christ, OC Inc.
Pax Christi USA	Voice Of The Experience, New Orleans, LA
Prisoners' Legal Services of Massachusetts	Voices for Racial Justice
Private Equity Stakeholder Project	Worth Rises
Public Knowledge	Young Women's Freedom Center, California
Racial Justice Action Center, Atlanta, GA	

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<sup>1</sup> 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>.

<sup>2</sup> 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>.

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

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

<sup>5</sup> 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 ....”)

<sup>6</sup> 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).

<sup>7</sup> 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>.