

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS**

Re: *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375.

The American criminal justice system currently detains almost 2.3 million people across state and federal prisons, juvenile correctional facilities, local jails, prisons in U.S territories, and other facilities of confinement.

2.3 million people.

I do not believe it to be my role as an FCC Commissioner to push specifically for criminal justice reform, but I do know that it is always the right time to fight for justice. The item before us today is but one long overdue step in the approach to treating people behind bars with the dignity they deserve. People who are incarcerated are parents, siblings, daughters, sons, partners, and friends. And incarcerated people should have access to affordable communications with their loved ones and attorneys because that is a critical element of restorative justice which impacts both the incarcerated and our larger society.

In December of last year, I visited the D.C. Jail and sat down with nearly 25 men who are currently incarcerated there. While they were of all ages—most were very young, between the ages of 18 to 25, but a few of their mentors were no doubt older than me—they were all men of color. They belonged to Young Men Emerging, a special program that offers group counseling, mentoring, job training, and educational programs overseen by Director Quincy Booth, Dr. Keena Blackmon, and other members of Director Booth's team. During my visit, it took no time at all to hear about their aspirations, goals, and in some cases, future business plans. But to a person, I heard from them how important it was that they stay connected with their loved ones on the outside.

Which brings us to today.

In this Report and Order, the Commission responds to the D.C. Circuit's remands and concludes that ancillary service fees cannot be separated into interstate and intrastate components unless the fee is clearly ancillary to an intrastate-only call. With this Order, providers are prohibited from creating any additional ancillary service charges outside of what is permitted and from imposing charges in excess of our ancillary service fee caps, or else they will be subject to enforcement action. This decision means our most vulnerable Americans will not feel the brunt of manufactured, exorbitant fees.

Additionally, today's Further Notice of Proposed Rulemaking recommends that we lower interstate rate caps to \$0.14 per minute for debit, prepaid, and collect calls made from prisons and \$0.16 per minute for debit, prepaid, and collect calls made from jails under the just and reasonable standard of section 201(b). I am supportive of lowering the interstate rate caps, instituting an international rate cap, and the efforts of the Commission to seek comment on our methodology in order to determine if the rates within our jurisdiction should be even lower than what is proposed.

Even with the Commission's recommendations here today, we must deal with the harsh reality that these efforts only go so far to address the significant costs families spend to stay in touch with their loved ones who are incarcerated. The costs are shocking. According to the Prison Policy Initiative, the average 15 minute in-state call from jails is \$5.74; however, the same call can cost up to \$24.82 depending on the factors we all know are at play, including site commissions. This means that it will cost virtually all families thousands of dollars a year just to talk to an incarcerated loved one for 30 minutes a few times a week.

I recently spoke with the most tireless champion on this issue that I know—former FCC Commissioner Mignon Clyburn, who led the Commission's efforts to bring communications justice to the incarcerated. She agreed with me that we're on a "quest to ensure there are just and reasonable rates and charges for interstate inmate calling services." And always with an eye on what's next, she expressed her "sincere hope that local jurisdictions, state public service commissions, and lawmakers with the authority to act on behalf of those who make nearly 80% of the calls, which are in-state calls, from correctional

facilities, will not only acknowledge the symbolism of today's vote but be inspired to institute their own critically needed reforms post haste.” And to that I say, I couldn’t agree more.

\*\*\*

And so my vote today is for the men I met in all journeys of their lives in the D.C. Jail nearly nine months ago, but equally so for their families and loved ones because as Bryan Stevenson, founder and Executive Director of the Equal Justice Initiative, says: “The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.”

Thank you to the Wireline Competition Bureau for your work on this important item and for incorporating input from advocates who continue to work tirelessly to seek communications justice for the incarcerated.