

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

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02.08.17

In federal court on Monday, the Federal Communications Commission (FCC) declined to defend regulations that cap the cost of phone calls from people in jails and prisons.

For years, [private phone companies](#) have charged exorbitant rates to families of incarcerated people for talking to their loved ones in prison. Rates are set by contracts between these companies and state and local governments, who often receive commissions or kickbacks for each jail or prison. As a result, family members in some states can pay as much as \$20 for a 15-minute phone call.

For more than a decade, advocates, people of faith, and relatives of incarcerated people sought relief from exorbitant phone rates, and in 2013, they persuaded the FCC to lower the cost of prison phone calls. The FCC voted to immediately [cap the rate](#) that prison phone-service providers can charge and banned providers from charging extra fees to connect a call or to use a calling card, and from charging deaf and hard-of-hearing customers extra for relay services.

In 2015, in a 3-2 decision, the FCC approved final regulations that cap the rates at 11 cents per minute, or \$1.65 for 15 minutes, for both in-state and out-of-state calls.

The effort to persuade the FCC to limit prison phone rates has been fought by the private corporations that profit from charging for phone calls. After the 2015 vote, the major providers led by Securus Technologies, Global Tel Link, and CenturyLink quickly challenged the regulations in court. They argued the FCC exceeded its authority by setting caps for intrastate calls, and that the new rates were too low.

The FCC filed briefs in the United States Court of Appeals for the D.C. Circuit defending the regulations in 2016. But in January, after Trump appointed Ajit Pai, a Republican who voted against the regulations, as the new chairman, the FCC abruptly reversed its position.

On January 31, the FCC [notified](#) the federal court that it would no longer defend the caps on intrastate calls, which make up about 80 percent of all prisoner calls, or the methodology used to compute those rates. The court nonetheless went ahead with arguments on Monday, where an attorney representing prisoner rights advocacy groups stepped in to defend the regulations.

As FCC commissioners [recognized](#) in 2012, maintaining contact with family during incarceration is good public policy because it reduces the likelihood that those released will reoffend. Families rely on phone calls to keep in touch because many cannot afford to travel the often long distances to visit their loved ones in person. Without limits on the rates and extra fees prison phone companies can charge, the cost of staying in touch is too high for many families to afford.

The FCC's reversal threatens to reinstate the exorbitant rates that families and advocacy groups like EJI have been working to reform for more than a decade.

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FCC made a case for limiting cost of prison phone calls. Not anymore.

The FCC Has Stopped Defending Its Own Rules Lowering The Cost Of Prisoner Phone Calls

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