

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/private-companies-lobbied-to-criminalize-cell-phones-in-prisons/>

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While it may be common knowledge that prisoners are prohibited from possessing cell phones, less known is the role that private prison phone companies have played in criminalizing prisoners possession of mobile devices.

The exorbitant rates charged by private prison phone companies have fueled an overwhelming demand for cell phones in prisons and jails across the country. A 15-minute phone call placed through Securus or Global Tel\*Link two of the nations largest prison phone providers can cost between \$10 and \$17. In many state prisons, calls cost as much as \$1 per minute. These excessive rates and add-on fees prevent many incarcerated people from staying connected with their families, as federal regulators recently [recognized](#).

Cell phones emerged as a cheaper alternative for people who could not otherwise afford to call home, and the prison phone service providers responded by pushing legislation to criminalize their competition. In 2010, Congress passed the Cell Phone Contraband Act (18 U.S.C. 1749), which made the possession of a cell phone or wireless device in a federal prison a felony punishable by a fine and up to one additional year of incarceration. In comments submitted to the National Telecommunications and Information Administration, Global Tel\*Link extolled the Cell Phone Contraband Act as a critical piece of legislation for its simple act of placing cell phones on the list of items considered contraband under the law when in the possession of an inmate.

Securus, Global Tel\*Link, and CenturyLink control over 80 percent of prison phone business nationwide. These three companies have spent millions of dollars on lobbying and political contributions. Between 2011 and 2012, Global Tel\*Link spent at least \$15,000 on campaign contributions, and between 2013 and 2014, employees of American Securities, the private equity firm that purchased Global Tel\*Link, spent some \$225,900 on campaign contributions. Securus spent nearly \$75,000 solely on lobbying for the Cell Phone Contraband Act, and CenturyLink spent \$1,060,796, \$3,850,000, and \$4,170,000 on campaign contributions in 2012, 2013, and 2014, respectively.

Over the past several years, states have also enacted laws that impose criminal sanctions for possessing a cell phone inside a prison. In Maryland, knowingly possessing or receiving a telecommunications device is now punishable by up to three years imprisonment. Arizona made it a felony for a prisoner to obtain or possess a wireless communication device. Alabama also made obtaining or possessing a cell phone a felony, and Alabama courts have recognized cell phones as contraband. Both Global Tel\*Link and Securus hold lucrative prison phone services contracts in these three states.

On its website, Global Tel\*Link acknowledges that it support[s] correctional industry organizations with monetary contributions and participation in various law enforcement and industry-related fundraising events. Among the numerous law enforcement institutions the company supports is the National Sheriffs Association, which according to a report by the [Prison Policy Initiative](#), has made opposing prison phone industry regulation a top priority.

While state and federal officials have suggested that cell phones in prisons present a security threat, little evidence supports the argument that prisoners using cell phones reduces public safety. In the overwhelming majority of cases, prisoners use cell phones to stay in touch with family members, which actually reduces the risk of recidivism. States like Alabama nonetheless punish cell phone possession as harshly as possession of a deadly weapon, and Arizona punishes behavior that directly threatens public safety, like escape, *less* harshly than possession of a mobile device.

Unlike the dubious threat to public safety is the very real threat to private phone companies bottom lines if prison phone services were no longer protected from competition. These companies have paid out huge sums (\$460 million in 2013) in kickbacks to jails, prisons, and state, county, and local governments to secure exclusive phone service contracts that allow them to charge excessive phone rates and add-on fees.

Under federal and state laws that criminalize cell phone possession inside of prisons, incarcerated people who seek to avoid exploitative phone rates and fees by using cell phones face even lengthier terms of incarceration, and private companies benefit by outlawing their competition and generating more revenue from people serving longer prison sentences. Taxpayers, meanwhile, continue to bear the

burden of skyrocketing costs to keep people incarcerated in overcrowded, inhumane prisons and jails without receiving any measurable public safety benefit.

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