

PHONE CALLS CREATING LIFELINES FOR PRISONERS AND THEIR FAMILIES: A RETROSPECTIVE CASE STUDY ON THE CAMPAIGN FOR PRISON PHONE JUSTICE IN MINNESOTA

MARGARET HIGGINS, DOMINIKA MALISZ, ELYSIA NEWTON, NATALIE PETERSON,
ARTIKA TYNER, AND SHANNON WEST



COMMUNITY JUSTICE PROJECT



Abstract: This article explores the impact of telephone communications on prisoners and their families. Families across the nation face the burden of choosing between remaining in contact with their incarcerated loved ones and meeting their basic budgetary needs due to the high cost of a prison phone call. This article seeks to critically examine this phenomenon and its impacts on families and children. Through the application of qualitative research, it provides a glimpse into lived experiences of those impacted by the high costs of prison phone calls.

Keywords: prison phone justice, civil rights, human rights, community organizing, public policy advocacy, social justice, children and families, reintegration/re-entry

Prison phone justice. The term itself may not signify much at first glance; however, prison phone justice is a pressing civil and human rights issue. “Prison phone justice” broadly refers to the high costs of phone calls that are made to and from prisoners and their families.¹ Phone companies charge exorbitant rates due to a bidding process that occurs between several competing companies and prisons. When a phone company enters into a contract with a prison system, the company provides commissions to the respective prison. These commissions serve as incentives to pass on the high costs of prison phone calls to prisoners and their families. The ensuing cost of phone calls creates tremendous barriers for these family members to remain in contact with their incarcerated loved ones. Families must often bear the burden of choosing between accepting a loved one’s call from prison and meeting basic budgetary needs.

The Campaign for Prison Phone Justice (“Campaign”) is fighting for change and striving to provide equal access to affordable phone calls for all prisoners. Research has demonstrated that regular communication between prisoners and their loved ones reduces recidivism and promotes successful re-entry. Therefore, fair rates on phone calls will help to promote strong families and safe communities.

¹ Phone rates in prison do not reflect the cost of service. On the contrary, telephone companies have put in place commissions and call-markups that increase the cost of calls to and from prison by 60 percent. See Natalie Peterson, Dr. Artika R. Tyner & Shannon West, *Dollars and Sense: The Case for Prison Phone Justice*, INSIGHT NEWS, <http://www.insightnews.com/news/10405-dollars-and-sense-the-case-for-prison-phone-justice> (last visited December 15, 2013).

Background

Across the United States, prisoners are incarcerated an average of 100 miles from their families, making phone calls the only feasible form of contact for many.² Therefore, the prison phone call industry needs additional regulation. Most states are under commission-based contracts with phone service providers; these contracts provide commissions to the state and drastically increase the cost of regular phone contact. Minnesota's contract with Global Tel*Link generates 49% in commissions (\$1.44 million dollars).³ The average cost for three 20 minutes phone calls per week in Minnesota would amount to \$98.72 for intrastate calls, and \$282.53 for long distance calls.⁴

It is vital for prisoners to maintain routine contact with their families and communities in order for them to thrive upon their release. Staying in contact with a support system, such as family members, has shown to decrease the likelihood of recidivism. This support network is essential in successfully reintegrating prisoners into society by helping to meet their basic needs, such as obtaining shelter, and strengthening connections that assist in successfully completing parole.⁵ While prisoners and loved ones suffer the emotional toll of decreased contact with their loved ones, children are often the silent victims. Currently, there are over 15,000 children with at

² Nancy G Lavigne et al., *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*, URBAN INSTITUTE JUSTICE POLICY CENTER 4 (Feb. 2008), http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf.

³ John E. Dannenberg, *Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, PRISON LEGAL NEWS, 16 (Apr. 2011), https://www.prisonlegalnews.org/includes/_public/_issues/pln_2011/04pln11.pdf.

⁴ Phone rates extrapolated from Dannenberg, *supra* note 4, at 16; *Inmate Phones*, MONTANA DEP'T CORR., <http://cor.mt.gov/Facts/InmatePhones.mcpX> (last visited Sep. 19, 2012).

⁵ Vera Inst. for Justice, *The Price of Prisons: Minnesota* (Jan. 2012), available at <http://www.vera.org/files/price-of-prisons-minnesota-fact-sheet.pdf> [hereinafter *The Price of Prisons*] (describing the amount spent on corrections in Minnesota per inmate); Creasie Finne Hairston, *Family Ties During Imprisonment: Do They Influence Future Criminal Activity?* 52 FED PROBATION 48, 49-50 (1988) [hereinafter *Hairston, Family Ties During Imprisonment*] (containing an overview of studies on family contact and recidivism).

least one incarcerated parent in Minnesota.⁶ These children often exhibit emotional issues such as social withdrawal and behavioral problems at school. The best way to mitigate these issues is through maintaining regular contact between the parent and child during the incarceration period.⁷

This Article examines the impact of the high costs of prison phone calls by discussing the experiences of several men who have served sentences of varying lengths in different Midwestern prisons. Part I introduces the research questions: how contact or a lack of contact impacts prisoners, the prison system, and prisoners' loved ones. Part II outlines the qualitative research framework of the case study that informed the methodological approach of the survey research and listening session. Part III compiles the results of the survey while Part IV provides the data derived from the listening session. Part V explores other issues that demonstrate the necessity of having access to affordable prison phone calls. Finally, Part VI offers recommendations for policy change in Minnesota.

I. PURPOSE OF RESEARCH

As part of the Community Justice Project's vigorous efforts to reform the prison phone call system in the state of Minnesota, we sought to gain a fuller understanding of how the current phone call rates impact prisoners and their loved ones. Knowing the numbers and statistical data is one thing, but we were determined to understand prison phone justice on an individual level in order to make the data come to life. In order to do this, we conducted a listening session with members of the Power of People Leadership Institute. The Power of People Leadership Institute

⁶ *Families with Incarcerated Parents Fact Sheet*, MINNESOTA SECOND CHANCE COALITION (Feb. 2010), available at <http://www.mnsecondchancecoalition.org/pdf/FamiliesOfIncarcerated.pdf> [hereinafter *Families with Incarcerated Parents*].

⁷ Lavigne, *supra* note 3.

members, or POP guys, are a diverse group of men who were incarcerated in various midwestern prisons. Our experiences with these men expanded our knowledge pertaining to the negative impact of high phone call rates on prisoners, their loved ones, and the community.

II. RESEARCH METHODOLOGY

This research study is informed by the principles of qualitative research. Qualitative research provides a methodological framework for exploring the questions of how contact or a lack of contact impacts prisoners, the prison system and prisoners' loved ones as well.

To further our understanding of these issues, we first held a casual, introductory meeting to get to know the members of the Power of People Leadership Institute. After becoming acquainted with the group and listening to their experiences, we returned two weeks later to conduct a listening session. We began the session with the distribution of a survey (see Appendix). This survey aided us in compiling basic demographic information of the group. Fourteen group members participated in the survey. Subsequently, we facilitated a discussion related to the impact of phone contact with loved ones from a list of prepared questions. These questions were based on our prior research on prison phone issues and the stories we heard in our initial introductory meeting. We recorded the responses from the two-hour discussion, in which twenty-two members participated. This compilation includes the insightful information we gathered from the first meeting, the survey, and the listening session.

III. SURVEY: DEMOGRAPHIC OVERVIEW AND REFLECTIONS ON THE IMPACT OF PRISON PHONE CALLS

A. Demographic Information

The demographic backgrounds of the listening session participants were diverse in categories ranging from age to length of incarceration. The following section includes an overview of the participants' backgrounds and their general feedback related to the impact of prison phone calls on prisoners and their families.

Age: At the time of the listening session, all of the participants were between the ages of 21 and 65.

Race/Ethnicity: The majority of the survey participants (64 percent) were African American. Whites, Asian Americans, and American Indians were also represented within the group.

Gender: All participants were male.

Zip Code: The participants came from a variety of Minnesota zip codes. The most frequently referenced zip code was 55411 (Minneapolis) and the second most was 55104 (St. Paul).

Location of Incarceration: The participants had been incarcerated in a variety of prisons in the Midwest with several participants listing multiple prisons due to transfers.

Age at Beginning of Incarceration: Most of the participants were between the ages of 21-26 or 36-45 at the time of their first incarceration. All of the participants were younger than 56 at the time of their first incarceration.

How long incarcerated: The length of incarceration varied from less than one year to more than ten years.

Loved ones the prisoners attempted to stay in touch with: Many of the participants indicated that they tried to stay in touch with multiple people during their incarceration. Commonly listed relations included children, significant others, parents, grandparents, aunts, uncles, cousins, support network, and friends. The majority maintained a special desire to stay in touch with their parents and children.

Distance from loved ones: During their incarceration, the participants were between 0 to 300 miles from their loved ones. The average distance was 100 miles.

Contact by telephone: All participants used the telephone to stay in touch with loved ones during their incarceration.

Times a Month/Phone: Several participants reported only having telephone contact once or twice a month with loved ones. However, a sizeable portion were able to utilize telephone contact eight or more times with a few having daily or every other day phone contact.

Telephone Costs: Participants indicated that costs of local and long distance calls ranged from under \$5 to \$20.

Average Length of Phone Calls: The majority of the participants stated the average length of their phone calls was 11-15 minutes.

B. Reflections on the impact of telephone communication for prisoners

The second half of the survey focused on the participants' reflections regarding the impact of the high cost of prison phone calls and the frequency with which they were able to remain in contact with their loved ones. Participants were asked several questions including: if they were able to contact loved ones as often as they wanted, if phone contact was limited, the reason for the limitation, whether they received any benefits from frequent communication with their loved ones, and what those benefits were. Participants were then asked to indicate if they agreed with the following statement: "The cost of prison phone calls made it hard to remain in contact with my loved ones while I was incarcerated."

Contact as much as wanted: An overwhelming majority (78 percent) of the participants said they did not have as much phone contact as they would have desired. Only two of the fourteen survey participants were satisfied with their amount of contact.

Why contact was limited: The two main reasons the participants gave regarding their limited contact included: 1) issues with affording the costs of the phone calls based on their prison wages; and 2) financial burdens on their families forcing loved ones to deny the calls. Several participants also noted that they used letters to supplement the phone contact that they were able to achieve.

Statement about cost making it difficult to remain in contact: Most of the participants strongly agreed with the previously mentioned statement, several agreed, one was neutral and one disagreed.

Benefits of remaining in contact:

- “You feel like a person, not an object.”
- “Support, letting your family know that you are okay and not to worry.”
- “I lost a family member and needed my family love during a hard and trying time.”
- “Being able to talk with the people who know you the most and the ability to feel loved.”
- “If you nurture a plant, it grows. If you comfort a loved one incarcerated, it encourages his awareness of being loved.”

IV. LISTENING SESSION RESULTS

A. Impact of Telephone Contact and Costs on Prisoners and the Prison System

The anecdotes shared at the listening session illustrated the impact of telephone contact on the emotional health of prisoners, as well as their access to resources critical to physical health and successful completion of parole/probation. In addition to the negative psychological and physical costs to the prisoners, limited phone contact and high phone rates create a financial burden on the state through the creation of security problems, the extension of sentences, and the increase of recidivism.

i. Emotional Impact of Prison Phone Calls

Several of the men spoke about phone contact as the best preventative measure against the despondency many prisoners feel. As one young man phrased it, “When you are on the inside, you start to feel like **nobody** cares about you” (emphasis in original). Staying in touch with loved ones through telephone communication allowed prisoners to retain some measure of hope. One member of the group described the telephone as “[their] lifeline” to everything outside of the prison. Another member summarized the importance of phone contact by stating, “Hearing that voice that says they love you is your lifeline.” Yet another young man described his connection to the outside as important as a “fistful of gold.”

Because contact to the outside is so vital, its absence is not only strongly felt but also painfully realized. Lack of phone contact takes a decided toll on the emotional health of those who are incarcerated. Without contact from the outside, members reported feelings of despair, anger, and “me against the world” attitudes. Prisoners who do not have much contact with others outside of prison experience heightened feelings of despair and anger. Participants noted that the lack of phone contact proves especially taxing for younger prisoners, who have been raised on e-mail and cell phones and are unable to fill that void through letter writing. Many members of the group noted that adjustment to prison life can be especially difficult for men in their teens and twenties. The lack of meaningful contact could thus play a drastic role for younger prisoners during their adjustment to prison.

One young man shared a story that supported this notion. The man was incarcerated at age nineteen and had received little family contact during that time. He described how he became more and more “animalistic” during his incarceration. The lack of contact had such an impact on him that, upon his release, he felt he could no longer connect to the outside world. He committed another offense a few months later so that he could go back to the environment he knew. Another group member saw a similar situation occur to another prisoner. He recalled watching the progression of behavioral changes of a younger inmate who was adjusting to a lack of contact with the outside world. The young man took to walking around the prison, fists clenched and full of rage.

Multiple members expressed concern that many of those in prison have difficulty reading and writing. This leaves telephone calls as the only feasible means of communication for many.⁸ Though one of the older group members expressed a preference for letters, a strong connection between illiteracy and generational dependence on other means of communication results in less letter-writing. Many prisoners rely on phone calls as their only reliable means to stay in touch with those they love.

Lack of contact may also directly affect the disintegration of a prisoner's role in his family, which can heighten his already precarious emotional state. Two members of the group described how members of their families had passed away during their period of incarceration. Unfortunately, they did not learn of the deaths until months—sometimes years—later. One member narrated the pain he experienced when he was unable to remain in contact with his great-grandmother, who had raised him. While he was incarcerated, she suffered an illness that ended her life.

Other group members found it difficult to explain their problems with maintaining consistent contact to loved ones outside of the prison. Children especially had a difficult time understanding why the phone calls were such a financial burden. The members recalled that many of their loved ones perceived the lack of contact as a sign that their incarcerated loved one no longer cared about them. The deterioration of a prisoner's relationships with his or her family and other loved ones can prove to have a substantial impact on his ability to access resources and

⁸ In the United States adult prison system, over 60% of prisoners read at or below a fourth grade reading level. United States Department of Education, *THE HEALTH LITERACY OF AMERICA'S ADULTS* (2006), available at <http://nces.ed.gov/pubs2006/2006483.pdf>.

to transition successfully to life on the outside. This creates barriers to establishing community connections, obtaining housing, and securing employment.

ii. Impact of Telephone Contact on Reintegration and Recidivism

Maintaining relationships through regular contact can also be critical to how well a prisoner fares upon release. Studies have shown that maintaining contact with an outside support system, such as loved ones and family members, decreases the likelihood of recidivism for prisoners.⁹ These contacts help prisoners successfully reintegrate into society by meeting their basic needs, such as obtaining shelter, and strengthening their community connections. A Florida study examined the experiences of 7,000 Florida state prisoners and found that more frequent contact with loved ones drastically reduced their rates of recidivism.¹⁰ Furthermore, even those who did reoffend took a longer time to do so if they had more frequent contact with their outside support system while incarcerated. Phone calls are one of the most accessible ways for friends and families to remain connected, especially in light of the generational and literacy-related barriers.¹¹

One group member, with the agreement of several others, described the transition period when leaving incarceration. He explained it as a time of heightened vulnerability and uncertainty. There is a crucial need to make arrangements and, without these solid plans, a person can easily head down a path of crime. Multiple members explained that the relationships they had nurtured during their incarceration through regular phone contact helped them to arrange housing and provided a support system upon release.

⁹ The Price of Prisons, *supra* note 6; Hairston, Family Ties During Imprisonment, *supra* note 6.

¹⁰ Minnesota Department of Corrections, THE EFFECTS OF PRISON VISITATION ON OFFENDER RECIDIVISM 8-9 (2011), available at <http://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPrisonVisitationStudy.pdf>.

¹¹ Hairston, *supra* note 6, at 49–50.

Additionally, with the two different kinds of release (personal recognizance and standard release), there are different rules regarding post-release accommodations. For personal recognizance, a prisoner will not be allowed to leave until he has arranged housing that meets with the approval of the parole board. If a prisoner is unable to find approved housing, he will remain in prison for an undetermined amount of time, at continued expense to taxpayers. One member mentioned how his friend spent an extra four months in prison while trying to find housing suitable for approval by the parole board. Another described how he had remained in prison for a full year beyond when he first became eligible for personal recognizance discharge. Contact with loved ones is equally important in standard release as in personal recognizance. One member expressed distress over his recently released nephew who lost contact with those who might have provided for him after his release. This was a direct result of the nephew's inability to afford phone calls and his difficulties in scheduling calls with loved ones during the times that he had access to a telephone. When the nephew was released, he spent all of his discharge money on hotel fees, even though he had loved ones who could have helped him. The nephew has now run out of funds and the group member concluded that his nephew had probably already fallen in with a bad crowd.

In comparison, another member professed that, through months of regular phone contact he was able to rebuild relationships with friends, which resulted in a secure place to live upon his release. He stated that without this steady connection, he would not have had any feasible options for a place to stay upon his release. Phone contact proves essential for those making a smooth transition back into their communities and building a record of success.

The participants' experiences in transitioning from prison life back into society display that lack of telephone contact can: 1) create barriers to reintegrating into one's community and

family; 2) raise costs to the state by extending the incarceration of those eligible for personal recognizance discharge due to one's inability to arrange housing; and 3) increase the chance of recidivism for those on standard release who are unable to find a stable home. Telephone communication not only improves the emotional well-being of prisoners, but also eases the fiscal burden of incarceration.

B. Impact on Loved Ones

In addition to the effects phone contact has on prisoners, family members and loved ones are also affected by a lack of phone contact. For instance, children are often the silent victims of their parents' incarceration. There are over 15,000 children with at least one incarcerated parent in Minnesota.¹² Numerous studies have shown that children of incarcerated parents are more likely to be socially withdrawn and to have a variety of issues both at home and at school.¹³ The same studies have shown that the best way to mitigate these challenges is to allow a parent and child to maintain contact during the incarceration period.¹⁴ Unfortunately, the high cost of phone calls makes it difficult for many loved ones to stay in touch, resulting in strained relationships and difficult budgetary concerns for prisoners and their loved ones.

i. Impact on Adult Relatives

A common theme among the listening session participants, in discussing the impact of telephone contact upon their incarceration and transition periods, was the hardships they faced while maintaining or re-establishing relationships with their loved ones. One man, who was incarcerated for 23 years, explained the strain of his incarceration. During his time in prison, the man had limited contact with his great-grandmother, his wife, and his two young children. His

¹² Families with Incarcerated Parents, *supra* note 7.

¹³ Lavigne, *supra* note 3, at 7-12

¹⁴ *Id.*

great-grandmother especially suffered from the amount of limited contact; she had very little communication with her great-grandson and suffered from severe illness toward the end of her life. Another relative in the man's family strongly believed that his lack of contact with her had worsened her condition. The man's wife also had a difficult time understanding all of the obstacles that he had to overcome to have more telephone contact. This misunderstanding created a strain on their marriage.

Two other members expressed how hard it was to make budgetary decisions relating to the costs of phone calls and to explain those choices to their loved ones. One man was supposed to call his ailing grandmother on a Tuesday morning, but delayed the call because he needed to purchase basic necessities from the commissary/canteen. When he called at the end of the week, he was devastated to find that his grandmother had passed away on the day he was supposed to call. He had missed his last opportunity to speak with her. As he recalled the incident years later, he still felt guilty over the choice he made and wished that the high costs had not created a barrier to saying good-bye to an important person in his life. Another member recounted how he had to choose between making calls to his girlfriend and attaining basic needs such as soap. Even harder was explaining the situation to his girlfriend who did not understand why he was forced to make difficult budgetary decisions that limited his contact with her.

Yet another member was currently working through the incarceration issues of his younger brother. Although his brother was struggling with his incarceration and yearning for family contact, the member was unable to afford the collect charges. He was eventually forced to tell his wife that if she continued to accept the charges, they would be forced to make budgetary sacrifices that would negatively impact their lives.

The cycle of incarceration and its effects on loved ones continues for many of the men in the group. When asked how many of the men now have an incarcerated child or grandchild, 25 percent raised their hand. One man conveyed guilt regarding his lack of money and his consequent inability to accept phone calls from his incarcerated sibling. Another member described how he was preparing to help his nephew upon his nephew's release, but could not afford to accept his nephew's collect calls. The member explained how it was impossible for him to prepare for his nephew's release and support his transition back home. The two had completely lost contact.

ii. Impact on Children and Other Younger Relatives

Many group members also spoke about the struggles they faced with maintaining contact with their children and younger siblings. One described his strong feelings of guilt over becoming the stereotypical absent father while he was incarcerated. He had to make the difficult decision between putting food in his stomach and reestablishing a relationship with his children upon release. Another man recalled how he had to save all of his prison wages for a new pair of shower shoes, because the standard-issue ones were too small for his feet. He developed a severe case of athlete's foot that pained him when he had to wear the small shoes. The man was forced to skip several phone calls to save for the shoes. His family later told him that his lack of phone contact made them feel abandoned and unloved.

One of the men expressed his concern about the hardships young children face from a strained relationship with a parent they rarely see or hear from. Another added that the lack of contact causes children "a lot of grief and pain." One potent story came from a man who had two sons born shortly before his incarceration. One of his sons lived within the local call area while contact with the other required a long distance phone call. The man could afford much more

contact with the local son, but not with the other child, because of the difference in cost between local and long distance calls. To this day, the man has a much stronger relationship with the son he kept in touch with more frequently. He attributes the strained relationship with the son who lived the furthest distance directly to the high cost of prison phone calls.

One man who was incarcerated when his son was still young felt a sense of detachment with his son due to the long period without contact. When he finally did establish phone contact with his son, he was so overwhelmed with emotion that he would hang up whenever his son asked him for something. Many members that were unable to have regular phone contact expressed how challenging it was to reconnect with their children after their release. By the time the fathers were released from prison they often found that their children's "hearts [had] hardened" from a lack of frequent, meaningful contact.

Participants further described the challenge of remaining in contact with other younger relatives, such as siblings and nieces and nephews. One man explained how his school-aged siblings struggled with his incarceration. Without being able to talk to one another, his siblings were unable to understand his situation. Throughout his incarceration, the man lacked the ability to continue to have an active role in their lives. The sibling's reactions ranged from anger, to depression, to confusion and brought lasting problems to their relationships.

The members' examples of how lack of contact has negatively impacted their loved ones demonstrates that the high rates of phone calls serve as another layer of punishment for the prisoner, as well as for those that play an important role in the prisoner's life. Numerous studies have assessed the impact of parental incarceration and the resulting absence on the lives of children. These negative effects create financial burdens to the state through referrals to the child

welfare system, school system, and later on in the prison system.¹⁵ The current high costs of phone calls threaten both the well-being of prisoner's families and the state.

V. OTHER CONSIDERATIONS

The high rates of telephone calls impact not only the relationships between prisoners and their families, but also affect other areas of their lives, ranging from access to necessary medical care to consumer protection.

A. Security Issues

The significance of telephone contact to the lives of prisoners can make telephone access a major security issue in prisons. Members shared that fights often erupt around the telephone, as prisoners desperate for a few minutes of contact become enraged when other prisoners stay on the phone beyond an allotted amount of time. One member described how several prisoners would purposefully cause fights or create other security problems, hoping they would get transferred to facilities where they could place local (and therefore cheaper) calls to their loved ones. The tremendous value of contact to the outside also makes phone calls a kind of currency, with many men trading meals for phone calls. This value further translates into a serious security risk, as many prisoners try to steal others' Personal Identification Numbers in order to use someone else's funds to make their own calls. The smuggling of cell phones into prison facilities also poses a heightened security risk.¹⁷ Therefore, lack of access to phone calls can create even greater animosity and lead to more violence within the prison population.

¹⁵ Lavigne, *supra* note 3, at 7-12.

B. Access to Legal and Medical Services

In addition to emotional support, prisoners often rely on their contacts from the outside, such as family, friends, and their community, for other forms of assistance. One such example of this stems from the challenges prisoners face in trying to seek and maintain legal services. One member of the group described spending \$3,700 on phone calls to coordinate his appeal. That spending included costs associated with contacting his attorney—contact that was crucial to engage in fact investigation and gather evidence. The current rates for phone calls create enormous obstacles to prisoners' abilities to attend to their own legal issues. The high rates of calls place a burden on the state by driving up the cost of representation for public defenders acting on behalf of incarcerated defendants.¹⁶ Some public defenders spend more than \$100,000 a year accepting collect calls from prisoners.

Multiple members of the group described the importance of contacts on the outside for securing necessary medical services. One young man had a plate in his head, which had become infected and required immediate surgery. For an extended period of time, prison health professionals refused to provide the needed treatment and the man's condition continued to deteriorate. Finally, his girlfriend was able to exert enough pressure on various Department of Corrections officers to ensure the prisoner received the surgery he needed to replace the plate and quell the infection. If the prisoner had not been able to contact his girlfriend through telephone calls and update her on his condition, his situation may have proved fatal. Another group member explained how his son helped him get necessary medical attention for his back. Another described how his uncle became seriously ill in prison but could not afford the calls

¹⁶ Erin Fitzgerald, *Cell 'Block' Silence: Why Contraband Cellular Telephone Use in Prisons Warrants Federal Legislation to Allow Jamming Technology*, 2010 WIS. L. REV. 1269, 1269 (December 2010).

essential to maintaining the relationships necessary to rally the requisite support to secure his medical release. The uncle passed away in prison, just a few days after finally receiving surgery.

C. Consumer Issues

Aside from their dissatisfaction with the exorbitant phone call rates, many prisoners and their loved ones experienced other frustrations with the actual telephone service provided in prisons. Several group members agreed that the services left much to be desired; members described frequent dropped calls, a deteriorating connection in the last minutes of a call, and an arbitrary blocking of numbers. These claims are substantiated by the consumer complaints page for Minnesota's sole provider of prison phone services, Global Tel*Link. Global Tel*Link's complaint page contains dozens of grievances surrounding these issues, in addition to complaints of poor customer service and erroneous charges.¹⁷ Thus, the current contract between the state of Minnesota and Global Tel*Link not only disadvantages prisoners and their families by driving up the cost of calls but also by providing them with substandard service and no other options for phone calls services.

VI. RECOMMENDATIONS FOR CHANGE

There are currently multiple ways to improve the prison phone situation in Minnesota. All of these involve eliminating or reducing the commission-based contract system, in which phone companies offer a commission to the state from the profits on each call. This serves to drive up the price of calls between companies competing for the state prison phone contract. Eliminating or reducing these commissions has drastically reduced the rates of calls in twelve

¹⁷ *Global Tel*Link*, CONSUMER AFFAIRS, http://www.consumeraffairs.com/cell_phones/global_tel_link.html (last visited Nov. 28, 2012).

other states, including New York and California.¹⁸ To achieve justice in the prison phone systems, efforts must be focused on both the interstate and intrastate remedies. Interstate calls fall under the auspices of the Federal Communications Commission (FCC). Recently, the FCC voted 2-1 to reform interstate phone rate policies.¹⁹ The recent FCC ruling will aid in ensuring that the costs of prison phone calls are fair and reasonable. Prison phone call rates will be capped at 21 cents per minute for debit or prepaid cards, and 25 cents per minute for collect calls.²⁰ This ruling will create access to affordable prison phone calls for millions of family members to remain in contact with their incarcerated loved ones across the nation.

However, there is still a need for reform at the local level (in Minnesota state prisons and county jails) to address the high costs of intrastate calls. Minnesota advocates and their national allies are working together to raise awareness and promote policy reform with the goal of promoting strong families and safe communities.

¹⁸ Dannenberg, *supra* note 4, at 16.

¹⁹ Dr. Artika R. Tyner, *A long time coming: The future of prison phone justice reform*, INSIGHTNEWS, <http://www.insightnews.com/news/11239-a-long-time-coming-the-future-of-prison-phone-justice-reform> (last visited December 15, 2013).

²⁰ Andrea Jones, *Prison Reform Advocates Speak Up for the Voiceless*, ROLLING STONE, <http://www.rollingstone.com/politics/news/prison-reform-advocates-speak-up-for-the-voiceless-20130819> (last visited December 14, 2013).