

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Rates for Interstate Inmate Calling Services) WC Docket No. 12-375
)

COMMENTS OF THE CENTER ON THE ADMINISTRATION OF CRIMINAL LAW

The Center on the Administration of Criminal Law (the “Center”) respectfully submits these comments urging the Commission to take action to lower the rates charged for interstate inmate calling services.¹ The Center, based at New York University School of Law, is dedicated to defining and promoting good government practices in the criminal justice system through academic research, litigation, and participation in the formulation of public policy. In pursuit of these goals, the Center regularly comments on issues of broad importance to the administration of the criminal justice system.²

The cost of interstate inmate calling services is such an issue. Because many inmates are housed out of state and have only a limited ability to engage in meaningful written communication, phone services are often the sole means for inmates and their families to stay in touch. Unfortunately, inmate calling service fees are so high that this option too is frequently off the table—a 15-minute call from an inmate to his or her loved ones can cost as much \$17, which is nearly forty times what the same call would cost outside the incarceration setting. That is fundamentally unfair. Inmates often come from low-income families, and those families are

¹ These comments are submitted in response to the Commission’s Notice of Proposed Rulemaking, adopted December 24, 2012, FCC 12-167.

² For example, the Center filed an amicus brief in the Supreme Court in *Brown v. Plata*, 131 S. Ct. 1910 (2011), on behalf of leading criminologists about whether California could release inmates without a negative effect on crime rates. Furthermore, the Center’s most recent scholar-in-residence has written extensively on the effect of prison conditions on inmates.

forced to shoulder this financial burden. It is also bad public policy. High inmate calling service rates make it more difficult for inmates to maintain family ties. Those ties, however, are critical to inmate rehabilitation and success upon release. Inmates that maintain strong family bonds are more likely to obtain gainful employment when they return to their communities and less likely to re-offend. High inmate calling service rates also make it difficult for incarcerated parents to remain involved in the lives of their children. And high inmate calling service rates encourage prisoners to break the rules and acquire cell phones, which raises security concerns and can result in increased jail time for inmates and increased costs to the state.

I. Exorbitant Charges For Inmate Calling Services Make It Difficult—And In Some Cases Impossible—For Inmates To Stay In Touch With Their Families.

For many families, the only way to stay in touch with an incarcerated relative is by telephone. That is due, at least in part, to the increasingly common practice of incarcerating convicted individuals outside their state of conviction. States now routinely send thousands of “prisoners of all offense categories to serve their time in out-of-state facilities.”³ California, for example, currently has 8,852 of its prisoners housed out of state.⁴ As of June 2011, 2,000 Hawaii prisoners—about one-third of the State’s prison population—were housed out of state.⁵ And these geographically displaced inmates are frequently housed far from home. The country’s

³ Steven J. Jackson, *Ex-Communication: Competition and Collusion in the U.S. Prison Telephone Industry*, 22 *Critical Studies in Media Communication* 263, 267 (2005), [http://sjackson.infosci.cornell.edu/Jackson_CompetitionandCollusioninPrisonPhoneIndustry\(CS MC2005\).pdf](http://sjackson.infosci.cornell.edu/Jackson_CompetitionandCollusioninPrisonPhoneIndustry(CS MC2005).pdf).

⁴ Paige St. John, *Judge seeks California’s out-of-state prison plan*, L.A. Times Political Blog (Feb. 6, 2013, 4:39 PM), <http://latimesblogs.latimes.com/california-politics/2013/02/californias-out-of-state-prison-plan-ff-.html>.

⁵ Robert Brown, *Initiative Aims To Bring Hawaii’s Prisoners Home*, Honolulu Civil Beat (June 28, 2011), <http://www.civilbeat.com/articles/2011/06/28/11909-initiative-aims-to-bring-hawaii-prisoners-home>. As of 2000, about 5,000 of Wisconsin’s 20,000 prisoners were housed out of state. See Walter J. Dickey, *Thinking Strategically About Correctional Resources*, 2000 *Wis. L. Rev.* 279.

leading provider of out-of-state incarceration services, which houses more than 80,000 inmates in 60 plus facilities, “maintains a geographic stronghold in Tennessee, housing inmates from as far afield as Montana, Hawaii, and Puerto Rico.”⁶ It would obviously be extremely expensive for an inmate’s Hawaiian or Montanan family to make the trip to Tennessee to visit their incarcerated loved one.

In a significant number of cases, written correspondence cannot close the gap that out-of-state inmate housing creates. Inmates by and large have very limited access to e-mail. As of 2009, only six states had systems in place allowing inmates to send or receive e-mails.⁷ None of these systems permit unfettered communication between inmates and their families. Michigan, for example, allows inmates to receive, but not send, e-mails.⁸ And some states, like Oregon, apply word filters to inmate e-mails that, in effect, censor inmates’ communications with the outside world.⁹ What is more, the ability of inmates and their families to engage in meaningful written communication (be it electronically or through conventional mail) is severely constrained by the fact that approximately 40% of the nation’s prison population is functionally illiterate.¹⁰

⁶ Jackson, *supra* note 3, at 267; *see* Corrections Corp. of Am., *About CCA* (2008), www.cca.com/about/. In 2003, nearly 1,000 Wisconsin prisoners were housed in Oklahoma. *See* John E. Dannenberg, *Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks*, 22 *Prison Legal News* 1, 8 (Apr. 2011).

⁷ *Computer Use For/By Inmates*, Corrections Compendium, June 22, 2009, at tbl. 2 (Indiana, Iowa, Kentucky, Louisiana, Michigan, and Oregon).

⁸ *See id.*

⁹ *See id.* Inmates in Federal Bureau of Prisons facilities do not have Internet access. They can, however, pay to have a service that will send and receive e-mails for them. *See* Clarissa Ramon, *The Price of Communicating From Behind Bars*, Public Knowledge Policy Blog (Apr. 5, 2012), <http://publicknowledge.org/blog/price-communicating-between-bars>. Those communications are monitored and an inmate may only communicate with individuals on a staff-approved contact list. *See* Fed. Bureau of Prisons, TRULINCS FAQs, BOP.gov, http://www.bop.gov/inmate_programs/trulincs_faq.jsp (last visited Mar. 3, 2013).

¹⁰ Ctr. on Crime, Communities & Culture, *Education as Crime Prevention: Providing Education to Prisoners*, Research Brief: Occasional Paper Series 2 (Sept. 1997); *see* American Bar Ass’n,

That often leaves families with one option: the telephone. But for many families, communicating with an incarcerated relative over the phone is prohibitively expensive. Inmate calls frequently involve a “connection charge” in excess of \$3.00 per call and an additional per-minute charge of up to \$.89.¹¹ As a result, a 15-minute call between an inmate and his or her spouse or child can cost anywhere from “\$10 to \$17.”¹² One hour of conversation per week for a month can cost nearly \$300. “This is a far cry from the much lower”—nearly forty times lower—“long distance rates paid by the non-incarcerated public.”¹³ The average citizen does not have to pay a per-call connection fee for long distance service and is charged a much more modest \$.05 to \$.10 per minute.¹⁴

II. The High Costs Of Inmate Calling Services, Which Are Paid By Inmates’ Families, Are Fundamentally Unfair.

The exceedingly high costs of inmate calling services are anything but just and reasonable. The unfair price of these services places an enormous burden on the people who “regularly shoulder the high cost of prison telephone services”—inmates’ families.¹⁵ Inmates themselves usually lack the resources necessary to cover the costs of inmate calling services. “[M]ost prisoners are poor.”¹⁶ Though most inmates work while incarcerated, they often receive

Recommendation Adopted by the House of Delegates 2 (Aug. 2005) [hereinafter *Bar Report*] (noting the “significant percentage of the incarcerated population with limited literacy skills”).

¹¹ Dannenberg, *supra* note 6, at 5; *see id.* at 16 (listing interstate connection fees and per-minute rates). The argument that these high rates are necessitated by the costs of providing inmate calling services is critically undermined by the fact that some inmates can make interstate calls without paying connection fees and for less than \$.05 per minute. *Id.*

¹² *Id.* at 5.

¹³ *Id.* at 5-6; *see* John J. Gibbons & Nicholas de B. Katzenbach, Comm’n on Safety & Abuse in America’s Prisons, *Confronting Confinement*, 22 J. L. & Policy 385, 438 (2006) (“family members of prisoners pay many times more than anyone else for the opportunity to speak with a loved one”).

¹⁴ Dannenberg, *supra* note 6, at 5-6.

¹⁵ *Bar Report*, *supra* note 10, at 4.

¹⁶ Tara Herivel & Paul Wright, *Prison Nation: The Warehousing of America’s Poor* 2 (2003).

very little compensation for their labor. The average minimum wage in state prison systems is \$.93 *per day*.¹⁷ Federal inmates can make more, but still not very much: food service, warehouse, and maintenance jobs in federal prison can pay as much as \$.40 per hour.¹⁸ In many cases, the bulk of an inmate's income is put toward paying off the inmate's financial obligations—such as court-ordered fines and victim restitution—or to cover the costs of the inmate's incarceration.¹⁹ Moreover, the vast majority of inmates were poor before their imprisonment. “[A]bout 80 percent of people who go to prison weren’t able to afford to pay an attorney.”²⁰

Inmates’ relatives are rarely better off financially. Most “prisoners come from low-income families.”²¹ To make matters worse, incarceration is a financially devastating event that often leaves the family left behind to “scramble to make ends meet.”²² Incarcerated individuals were frequently their family’s bread winner before conviction; “more than half of imprisoned parents (52 percent of mothers and 54 percent of fathers) were the primary earners for their” families before incarceration.²³

¹⁷ Peter Wagner, *The Prison Index: Taking the Pulse of the Crime Control Industry* § 3 (2003), available at <http://www.prisonpolicy.org/prisonindex/prisonlabor.html>.

¹⁸ See Fed. Bureau of Prisons, *Workers Programs*, http://www.bop.gov/inmate_programs/work_prgms.jsp (last visited Mar. 3, 2013). A limited number of federal inmates can obtain UNICOR employment where they can make between \$.23 and \$1.25 per hour. See Fed. Bureau of Prisons, *UNICOR Federal Prison Industries, Inc.*, http://www.bop.gov/inmate_programs/unicor.jsp (last visited Jan. 12, 2013). UNICOR employs approximately 16% of work-eligible federal inmates. See *id.*

¹⁹ Cf. U.S. Dep’t of Justice, Bureau of Justice Assistance Fact Sheet, *Prison Industry Enhancement Certification Program* (Nov. 1995), <https://www.ncjrs.gov/pdffiles/pie.pdf>.

²⁰ Herivel & Wright, *supra* note 16, at 2.

²¹ Dannenberg, *supra* note 6, at 14.

²² Pew Charitable Trusts, *Collateral Costs: Incarceration’s Effect on Economic Mobility* 21 (2010), http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Economic_Mobility/Collateral%20Costs%20FINAL.pdf [hereinafter *Collateral Costs*].

²³ *Id.*

Because of the financial strain associated with incarceration and the cost of inmate telephone services, inmates' families are often presented with impossible choices. Some families have reported forgoing medical operations or required drug prescriptions to cover the costs of calls from their incarcerated family members.²⁴ Others reported losing their telephone service altogether because they were unable to pay prison phone bills.²⁵ And some families are left with no choice but to cut off contact with their incarcerated loved one because they simply cannot afford to keep in touch via the only means available.²⁶

In effect, high inmate calling service rates operate as a regressive tax.²⁷ A substantial portion of the revenue generated by inmate calling services ends up in the states' hands. That is because the contractual agreements between state prison systems and calling service providers usually involve a significant payment to the state in exchange for the right to provide service. Indeed, a recent study concluded that nearly "42% of gross revenues from prisoners' phone calls"—over \$143 million per year—went toward "lucrative kickbacks" to "state contracting agencies."²⁸ As a result, low-income families pay exorbitant phone rates that fund state revenues. That dynamic is clearly in contravention "of our generally progressive tax structure where tax burdens increase as income rises."²⁹ High inmate calling service rates also

²⁴ Jackson, *supra* note 3, at 272.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See Drew Kurowski, Prison Policy Initiative, *The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry* 3 (Sept. 2012).

²⁸ Dannenberg, *supra* note 6, at 1 (emphasis omitted). Notably, the state prison systems with the lowest interstate inmate calling service rates—New York (\$.048 per minute) and Minnesota (\$.15 per minute)—do not receive kickbacks from service providers. *Id.* at 16.

²⁹ Kurowski, *supra* note 27, at 4.

disproportionately affect communities of color. Approximately 38% of state and federal prison inmates are Black/African American and approximately 23% are Hispanic/Latino.³⁰

III. Reducing The Costs Of Communication Between Inmates And Their Relatives Will Benefit Inmates, Their Families, And Society As A Whole.

While the fundamental unfairness of high inmate calling service fees alone is sufficient to justify Commission action, capping inmate calling costs is necessary for a second, independent reason. Curbing the costs of communication between inmates and their families will result in tangible benefits for inmates, their relatives—the children of inmates in particular—and society more broadly. It is hard to overstate the benefits of continued contact with family and friends during incarceration. Maintaining critically important family and community ties decreases the likelihood that an inmate will engage in conduct requiring discipline while incarcerated. Family contact is also integral to an inmate’s rehabilitation and successful reintegration into society. The support that family and friends provide during incarceration can mean the difference between becoming a productive member of the community upon release and a trip back to jail.

A. Familial Contact Promotes Good Inmate Behavior While Incarcerated And Is Integral To Inmate Success Upon Release From Prison.

Inmates who maintain contact with their families during incarceration typically fare better while incarcerated than those who do not. Inmate-family interactions “can positively affect an inmate’s behavior in prison.”³¹ As the Department of Justice has recognized, “contacts

³⁰ E. Ann Carson & William J. Sabol, U.S. Dep’t of Justice, Bureau of Justice Statistics, NCJ 239808, *Prisoners in 2011* 7 (2012).

³¹ U.S. Gov’t Accountability Office, Bureau of Prisons, GAO-12-743, *Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure* 21 (2012) [hereinafter *Growing Inmate Crowding*].

with family contribute to inmate morale” and “better staff-inmate interactions.”³² Consequently, inmates that keep in touch with their loved ones are involved in fewer disciplinary incidents—prison is a safer place for both prisoners and prison employees.³³ And, at least in some instances, the end result of frequent inmate-family contact is that an inmate secures an early release through “good behavior.”

The benefits of inmate-family interaction continue after the inmate is released. Communicating with loved ones during incarceration is “a critical component of a prisoner’s successful transition to a productive, law-abiding life after leaving prison.”³⁴ Inmates that maintain strong family ties throughout their incarceration are more likely to find a job after release and less likely to engage in illicit activity such as drug use.³⁵ The “first months after an offender returns to the community” are “crucial.”³⁶ Those first several weeks usually determine an inmate’s path for the next several years. Maintaining ties during incarceration ensures that the inmate will have the necessary support structure in place immediately upon release to be able to make the right choices. Family can provide a push in the right direction when needed or intervene before a lapse in judgment becomes something worse.

Numerous states and state officials have recognized the importance of family contact—and the role that phone communication plays in fostering that contact—to a successful transition

³² U.S. Dep’t of Justice, Office of the Inspector Gen., *Criminal Calls: A Review of the Bureau of Prisons’ Management of Inmate Telephone Privileges*, Ch. II n.6 (Aug. 1999), <http://www.justice.gov/oig/special/9908/>.

³³ *Bar Report*, *supra* note 10, at 2.

³⁴ *Id.*; see Rebecca L. Naser & Christy A. Visher, *Family Members’ Experiences with Incarceration and Reentry*, 7 *Western Criminology Review* 20, 21 (2006) (“research supports a strong correlation between family ties and post-release success”); Jackson, *supra* note 3, at 267 (contact with family members is vital to an inmate’s rehabilitation).

³⁵ Dannenberg, *supra* note 6, at 14.

³⁶ Pew Ctr. on the States, *State of Recidivism: The Revolving Door of America’s Prisons* 29 (Apr. 2011) [hereinafter *State of Recidivism*].

after release. Tennessee is one example. When Tennessee state officials were considering raising inmate calling service fees in 2002, the head of the state Department of Corrections cautioned against doing so because it would make it more difficult for inmates to “maintain[] contact[s] with family and friends” that are “an important part of an inmate’s rehabilitation and preparation to return to the community.”³⁷ The Oregon Department of Corrections has come to the same conclusion, stating that “[o]ngoing contact with supportive family and friends is an important part of inmates’ success in prison and upon release.”³⁸ And Wisconsin law expressly states that prison officials “shall encourage communication between an inmate and an inmate’s family” because such “[c]ommunication fosters reintegration into the community” after release.³⁹

B. Maintaining Family Ties During Incarceration Reduces Recidivism Rates And The Costs Associated With Sending Former Inmates Back To Prison.

Given the positive outcomes associated with inmate-family contact during incarceration and upon release, it is unsurprising that inmates that keep in touch with their loved ones are less likely to return to prison. By making it easier for inmates and their families to communicate, reducing the costs of inmate calling services would reduce recidivism rates and the costs recidivism entails.

Telephone access was originally granted to inmates to address “weakened family and community bonds” that increased the “likelihood of re-offense.”⁴⁰ The connection between inmate-family contact and recidivism is more than theoretical—studies time and again have

³⁷ Dannenberg, *supra* note 6, at 14.

³⁸ *Id.* (internal quotation marks omitted).

³⁹ Wis. Admin. Code DOC § 309.39(1); *see id.* (Communication with family members “helps to motivate the inmate and thus contributes to morale and to the security of the inmate and staff.”).

⁴⁰ Jackson, *supra* note 3, at 267; *see* Gov’t Accountability Office, Bureau of Prisons, GAO-11-893, *Improved Evaluations and Increased Coordination Could Improve Cell Phone Detection 6* (Sept. 2011) (“BOP extends telephone privileges to inmates and asserts that telephone privileges help inmates maintain family and community ties and facilitate the reintegration of inmates into society upon release from prison.”) [hereinafter *Cell Phone Detection*].

concluded that “family contact during incarceration is associated with lower recidivism rates.”⁴¹ That makes sense. A “reliable way of increasing the likelihood that prisoners will re-offend is to break all ties with the outside world and then place them back on the street years later, with little reentry support, in a community to which they have become a stranger.”⁴² Conversely, a reliable way of decreasing the likelihood that prisoners will re-offend is to foster the growth of a family support structure that gives inmates a stake in the community to which they return and can provide them with the tools and incentives they need to succeed upon release.

Reducing recidivism is a laudable goal in and of itself, but doing so will also create a number of secondary benefits. Recidivism is one of the most significant problems facing our criminal justice system. More “than four out of 10 adult American offenders . . . return to prison within three years of their release.”⁴³ When released inmates return to a life of crime, “they cost society all over again” in the form of more arrests, more prosecutions, increased prison populations, and more victims.⁴⁴ To the extent that reducing inmate calling service rates reduces recidivism, lowering rates promises to reduce these costs as well. The savings may be substantial. A 10% reduction in recidivism rates would yield more than \$635 million in prison

⁴¹ Nancy G. La Vigne et al., *Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners’ Family Relationships*, 21 J. of Contemporary Criminal Justice 314, 316 (2005); see, e.g., Kuorowski, *supra* note 27, at 2 (“The link between family contact during incarceration and reduced recidivism is well-documented.”); *Cell Phone Detection*, *supra* note 40, at 1 (“contact with family and friends” during incarceration “reduces the likelihood of inmates’ return to prison once they complete their sentences”); Naser & Visher, *supra* note 34, at 21 (“a remarkably consistent association has been found between family contact during incarceration and lower recidivism rates”).

⁴² Jackson, *supra* note 3, at 272.

⁴³ *State of Recidivism*, *supra* note 36, at 2.

⁴⁴ *Collateral Costs*, *supra* note 22, at 22.

cost savings per year.⁴⁵ And, most importantly, reducing recidivism would decrease the number of victims of crime.

C. Fostering Family Relations During Incarceration Yields Better Outcomes For Inmates' Children.

An oft overlooked effect of incarceration is the adverse impact it has on inmates' children. As of 2007, 52% of inmates in state prisons and 63% of inmates in federal prisons were parents of minor children.⁴⁶ As a result, more than 1.7 million children have an incarcerated parent.⁴⁷ Having an incarcerated parent generally makes it more likely that a child will act out, have substance abuse problems, perform poorly in school, and engage in criminal conduct.⁴⁸

Lowering the cost of inmate calling services will make it easier for inmates to maintain contact with their children and thus help mitigate these ill effects. A child that stays in touch with an incarcerated mother or father is less likely to drop out of school or be suspended.⁴⁹ Keeping in contact with an incarcerated parent can also reduce instances of child depression and feelings of alienation that can lead a child to engage in antisocial behavior.⁵⁰ Moreover, maintaining the parent-child relationship during incarceration makes it more likely that the parent will be an active participant in his or her child's life upon release, which is more often than not to the child's benefit.⁵¹

⁴⁵ *State of Recidivism*, *supra* note 36, at 26.

⁴⁶ Kuorowski, *supra* note 27, at 4.

⁴⁷ Lauren E. Glaze & Laura M. Maruschak, U.S. Dep't of Justice, Bureau of Justice Statistics, NCJ 222984 *Parents in Prison and Their Minor Children* 1 (Aug. 2008), <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>.

⁴⁸ Julie Poehlman et al., *Children's Contact With Their Incarcerated Parents*, 65 *Am. Psychologist* 575 (2010), available at <http://psycnet.apa.org/journals/amp/65/6/575.pdf>.

⁴⁹ *Id.* at 591.

⁵⁰ *Id.*

⁵¹ LaVigne, *supra* note 41, 328.

IV. Lowering The Cost Of Inmate Calling Services Will Reduce Incentives For Inmates To Acquire Cell Phones.

Lowering the cost of inmate calling services is beneficial in yet another way: it will reduce incentives for inmates to illegally obtain and use cell phones. Inmate cell phone possession has exploded in the last few years. Thousands of cell phones—8,656—were confiscated in federal prisons between 2008 and 2010.⁵² States collected tens of thousands more during the same period. California alone confiscated 20,400 cell phones between 2008 and 2010.⁵³ This marked increase in inmate cell phone possession is due, at least in part, to the high cost of inmate calling services.⁵⁴ Because of the “exorbitant rates charged by prison phone companies” inmates “use illegal—but much more affordable—cell phones to stay in touch with their families and friends.”⁵⁵

High inmate calling service rates incentivize the acquisition and use of cell phones and, by doing so, set inmates up for failure. Several states expressly prohibit cell phone use in prison. Under Maryland law, for example, a “person detained or confined in a place of confinement may not knowingly possess or receive a telecommunications device.”⁵⁶ Using such a device can result in a loss of “good time” credits (meaning more time served) or a transfer to a “higher-security institution.”⁵⁷ It can also result in additional jail time following a conviction for contraband possession—running afoul of Maryland’s cell phone prohibition can result in up to

⁵² *Cell Phone Detection*, *supra* note 40, at 20.

⁵³ *See id.* at 22.

⁵⁴ *See* Kuorowski, *supra* note 27, at 3 (“lower prison telephone rates would . . . lessen the recent problem of contraband cell phones”).

⁵⁵ Dannenberg, *supra* note 6, at 14; *see Cell Phone Detection*, *supra* note 40, at 1 (discussing security risks associated with cell phones).

⁵⁶ Md. Code. Ann., Crim. Law § 9-417.

⁵⁷ *Cell Phone Detection*, *supra* note 40, at 8.

three years' imprisonment.⁵⁸ And while not all states address inmate cell phone possession expressly, it is likely that cell phones fall within the scope of most general state contraband statutes.⁵⁹ Reducing the costs of inmate calling services will “reduce the demand for . . . contraband cell phones,” which will, in turn, reduce the likelihood that an inmate’s prison term will be extended for violating prison rules.⁶⁰

Reducing the costs of inmate calling services (and thus the incentives to acquire cell phones) will also reduce the number of cell phone related security incidents. While inmates use cell phones to communicate with their loved ones, cell phones are used in prison for other activities as well. Inmates have used cell phones to facilitate the commission of crimes beyond prison walls and to enable in-prison illicit activity.⁶¹ Cell phones also create numerous security issues that are difficult for prison officials to address.⁶² “[B]y providing less incentive for incarcerated people to acquire contraband cell phones,” lowering the cost of inmate calling services will aid in addressing some the problems created by inmate cell phone possession.⁶³

Respectfully submitted,

⁵⁸ Md. Code. Ann., Crim. Law § 9-417; *see* Ariz. Rev. Stat. §§ 13-2501, 13-2505 (expressly defining “wireless communication device” as proscribed contraband); *see also* 18 U.S.C. § 1791 (criminalizing possession of cell phones while incarcerated).

⁵⁹ *See* Ala. Code §§ 13A-10-30, 13A-10-38 (defining contraband as “[a]ny article or thing which a person confined in a detention facility is legally prohibited from obtaining or possessing by statute, rule, regulation or order”).

⁶⁰ Dannenberg, *supra* note 6, at 14.

⁶¹ *Cell Phone Detection*, *supra* note 40, at 1.

⁶² *Id.*

⁶³ Kuorowski, *supra* note 27, at 3.

/s/ Paul D. Clement
Paul D. Clement
D. Zachary Hudson
Bancroft PLLC
1919 M Street, N.W., Suite 470
Washington, D.C. 20036
(202) 234-0090

*Attorneys for The Center on the Administration
of Criminal Law*

March 25, 2013