Prison Phone Rate Caps / PREA Report

David Ford

June 30, 2023

1 Abstract

This paper seeks to explore the relationship between exorbitant prison phone rates and prisoner violence as measured by sexual assault reports. With few options for outside communication, paid phone calls are often the preferred option for inmates to converse with their family and friends. With a 15-minute phone call costing as much as $18.30 in Washington or $17.30 in eight other states, with employment opportunities ranging from slim to none, and with sub-minimum wages at times, many prisoners may find it extremely costly make a simple phone call. In efforts to combat this problem in November 2013, the FCC passed a ruling that capped interstate prison phone call rates at $0.21-$0.25 per minute, or $3.15-$3.75 for a 15-minute call, which amounts to over a 75% reduction in several states. Following this drastic reduction in cost, phone calls in many states suddenly became much more affordable, opening up communication affordability with the outside world, and perhaps reducing incentives to commit acts of violence.

2 Introduction

With few other choices, inmates rely heavily on phone calls to communicate with their friends and family. Additionally, many inmates have no access to jobs, and those that do have access are oftentimes paid wages below the federal minimum wage. With direct costs for a phone call of upwards of $15 for 15 minutes, call in numerous states, phone calls may be difficult to afford for many state prisoners.

In regards to prisons, policymakers have frequent concerns regarding violence and sexual assaults between inmates, or between inmates and staff. To this

end, in September 2003, the United States Congress enacted the Prison Rape Elimination Act (PREA) in order to better track and reduce the incidence of sexual assault perpetrated on inmates through a standardized reporting system. As a result of this Act, state prisons were required to monitor various forms of sexual assault and uniformly report their findings to a federal governing body. Data on both inmate-on-inmate acts as well as staff-on-inmate acts are freely available online as a result of this Act.

Using this PREA data, as well as phone rate data collected by Prison Phone Justice which were heavily supplemented by my own searching through contracts between state Departments of Correction and telecommunications companies, I investigate whether those states constrained by the FCC phone caps saw a significant change in reports of sexual assault following the FCC phone rate cap limits.

As evidence to support the relevancy between prison phone call costs and call volume, I have found San Francisco and New York City articles (sfgov.org and nypost.com respectively) that support the prior foundational assumption that a phone call price reduction will lead to a marked increase in call volume. In August 2020, San Francisco made jail phone calls free and reportedly a 41% call volume increase "overnight". Further, San Francisco jails reported a 30% increase in 2016 when they reduced the price of a call from \$2.75 to \$2.10. In August 2018, New York City similarly made jail phone calls free and afterwards saw a 30% increase in call volumes.

For this paper, I will use a two way fixed effects (TWFE) regression specification to explore the relationship between increased communication abilities via more affordable phone rates, and reports of sexual assault as measured by the Prison Rape Elimination Act (PREA) of 2003. By using TWFE, I aim to control for unobservable invariant state and year effects. The study will focus on the years 2008-2018, as data before and after this range is largely unavailable. Excluding Hawaii, I will consider 49 states, with 26 states in the treatment group and 23 states in the control group.

3 Literature Review

There are a few researchers who have looked into drivers of prison violence, such as Kurtzville (2020) who considered overcrowding of CA prisons. Similarly, there is a modest body of literature surrounding inmate despondency,

such as Sanchez, Aizpurua, Ricarte, & Barry (2021), as well as Suto & Arnaut (2021), both of which investigate prisoner suicide, with the former citing lower social support systems amongst prisoners who attempted to self-harm, and the latter reporting a convict suicide rate twice as high as that of the general population.

In addition to the above, Slackman (2014) investigates economic determinants of inmate payphone rates, pointing to a high disconnect rate which may place an undue price burden on those calls which do connect, and lastly, Fuchs (2019) who researches the types of families that tend to make phone calls, poiting out that inmates and their families are significantly more likely to be low-income compared to the rest of the population.

With these studies in mind, I believe that this study uses a novel dataset to study an often-underlooked population in the US which may be of interest to policymakers going forward.

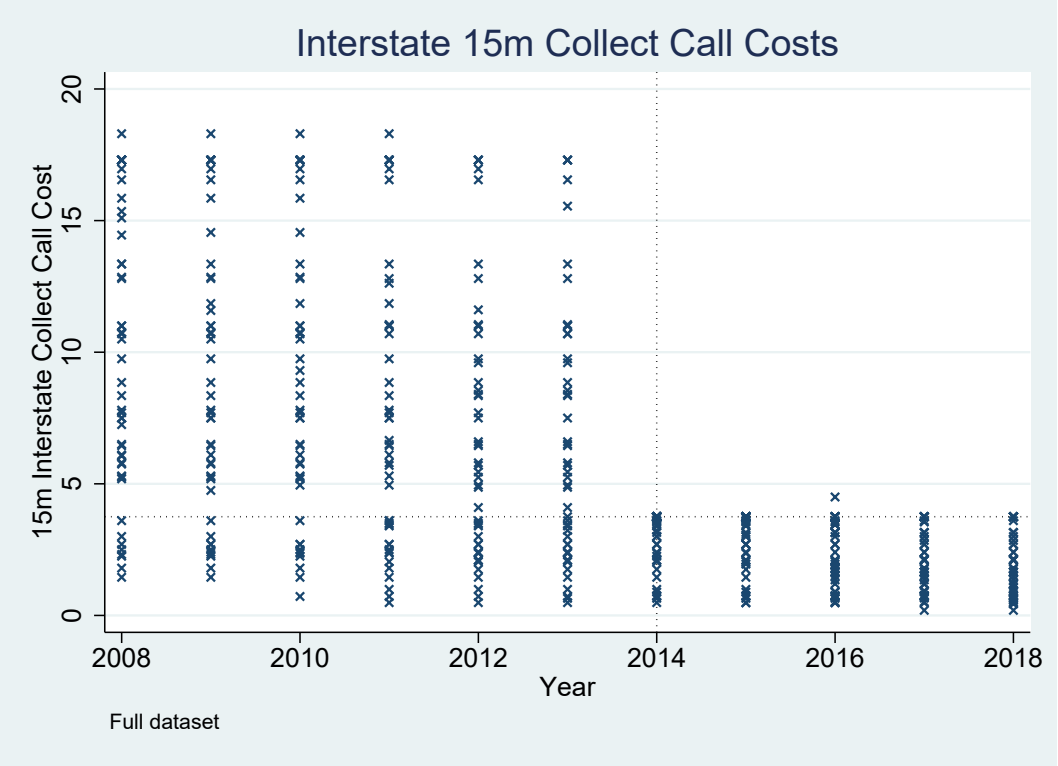
4 Data

This study uses three data sources from (1) the Prison Rape Elimination Act (PREA), (2) the Bureau of Justice Statistics (BJS), and (3) prisonphonejustice.org, which are briefly outlined below.

For my outcome variables, I first use the PREA dataset which runs from 2003 to 2018 and tracks; (1) inmate-on-inmate nonconsensual acts, (2) inmate-on-inmate abusive conduct, (3) staff-on-inmate sexual misconduct, and (4) staff-on-inmate sexual harassment. Each of these metrics are available as both allegations and substantiations, and the data additionally tracks an annual count of the state's total inmate population as of December 31st.

As a measure of the phone rates that inmates face, I used data from prisonphonejustice.org as a starting point, and then I spent a considerable amount of time constructing a timeline of the phone rates that prisoners face in each state's prison system. To this end, I scoured the contracts between the departments of corrections (DOCs) and the telecommunications companies which are largely available to the public online, and for the few states where I could not find a reliable rate, I contacted the state's DOC and requested the contracts directly. The result of this effort is what I believe to be the most-complete phone rate dataset available for 2008-2018.

Figure 1: Phone Rate Scatterplot



In this scatterplot, I have simply plotted the 15m phone rates for each year to demonstrate how many states were charging phone rates above the cap prior to the FCC caps, compared to states after the caps were implemented.

Finally, following the work of Kurtzville (2020), I used data taken from the BJS website to measure prison crowdedness, which tracks the state prison populations relative to the facility capicities, by gender, for each state-year. The use of these measures as additional controls yield no substantially different results.

5 Method

As mentioned above, this analysis uses a TWFE model for the first two main specifications to control for unobservede invariant state and year effects. These equations take the form:

$$(1), (2) : Y_{i,t} = \alpha + X_{i,t} * \beta + S_i * \gamma + f_t * \delta + e_{i,t}$$

Where $Y_{i,t}$ takes the place of the outcome variable from the PREA dataset, α is a constant, $X_{i,t}$ is a vector of control variables, S_i and F_t are state and time fixed-effects, and $e_{i,t}$ is an error term clustered at the state level.

For each specification, the control variables first include the out-of-state collect call rate, where I have normalized all rates into their "15 minute" cost to facilitate comparisons, as well as the state's total prison population for the year. I chose to use collect call rates as these appear to be far more widespread than the alternative prepaid rates, both in availability and in call volume. As the population covariate turns up significant in the first specification, I looked more closely at population effects by including pop^2 and pop^3.

For specifications (3) and (4), I move on to using a Two Way Mundlak (TWM) Regression from Mundlak (1978), which was more recently analyzed in Wooldridge (2021). In the latter paper, Wooldridge discusses the benefits of the TWM regression, or to use his words, "the approach allows considerable heterogeneity in treatment effects across treatment intensity, calendar time, and covariates", which makes my dataset a suitable setting for its application.

$$(3), (4) : (1) : Y_{i,t} = \alpha + X_{i,t} * \beta + \bar{X}_i * \zeta + \bar{X}_t * \eta + e_{i,t}$$

Where I have included state-averaged covariates $\bar{X}_i$ and time-averaged covariates $\bar{X}_t$ in place of the previous specification's state and year fixed effects.

6 Results

Below are two tables describing the results of my regression estimations, where the coefficient of interest is oos_coll_15m, which is insignificant in all cases. The first table is for inmate-on-inmate nonconsensual sexual act allegations reports, and the second is for staff-on-inmate sexual conduct allegation reports.

Table 1: Alleged Inmate Noncons. Sexual Acts

	(1)	(2)	(3)	(4)
		Unb TWFE		Unb Mundlak
VARIABLES	Unb TWFE	+Controls	Bal Mundlak	++Int
oos_coll_15m	0.779	0.570	0.711	-0.76
	(1.271)	(1.097)	(1.251)	(1.86)
total_pop	-0.003***	0.007	-0.003***	0.00
	(0.001)	(0.008)	(0.001)	(0.00)
total_pop2		-0.000		
		(0.000)		
total_pop3		0.000		
		(0.000)		
Observations	537	537	517	517
R-squared	0.805	0.814	0.561	0.65
F-Statistic			5.887	

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

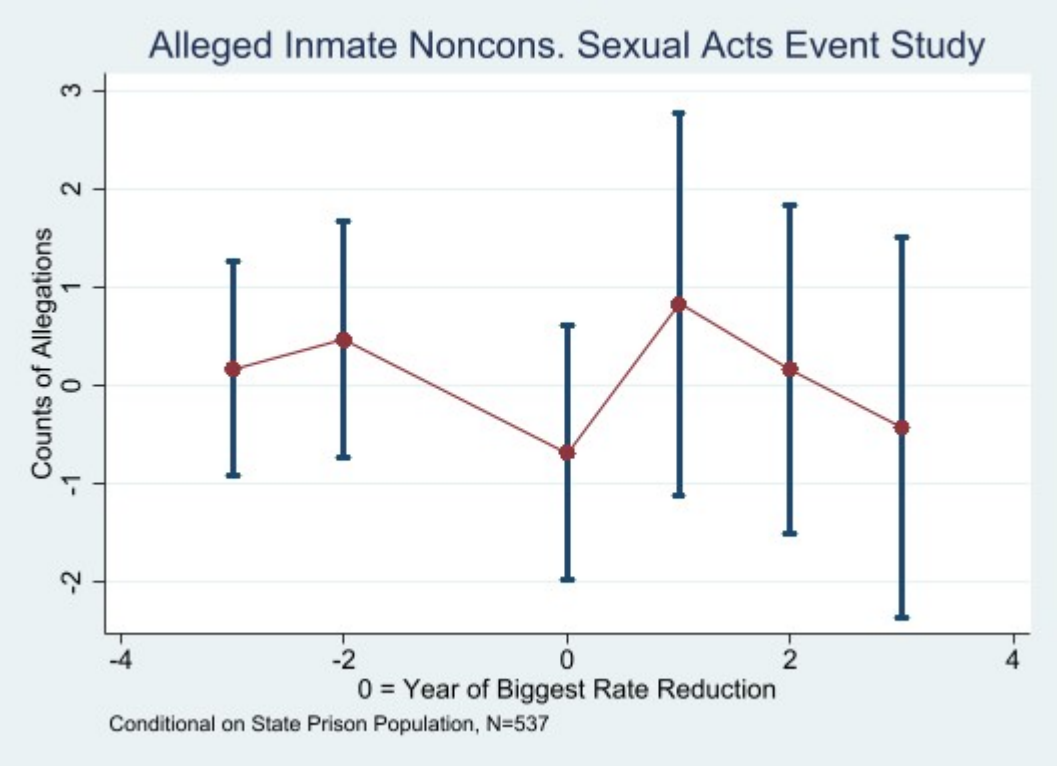
Table 2: Alleged Staff Sexual Misconduct

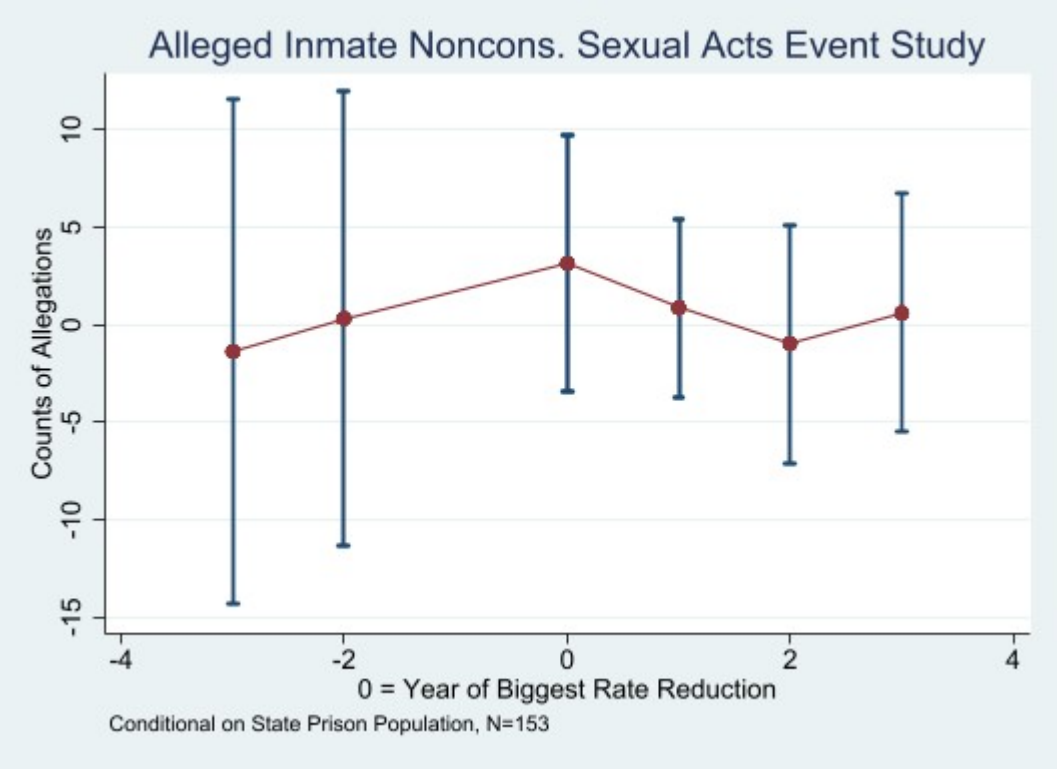
	(1)	(2)	(3)	(4)
		Unb TWFE		Unb Mundlak
VARIABLES	Unb TWFE	+Controls	Bal Mundlak	++Int
oos_coll_15m	1.893	1.518	1.988	-3.94
	(2.256)	(2.128)	(2.215)	(4.82)
total_pop	-0.006***	0.010	-0.005***	0.01***
	(0.002)	(0.007)	(0.002)	(0.00)
total_pop2		-0.000**		
		(0.000)		
total_pop3		0.000**		
		(0.000)		
Observations	539	539	517	517
R-squared	0.616	0.626	0.403	0.65
F-Statistic			4.837	

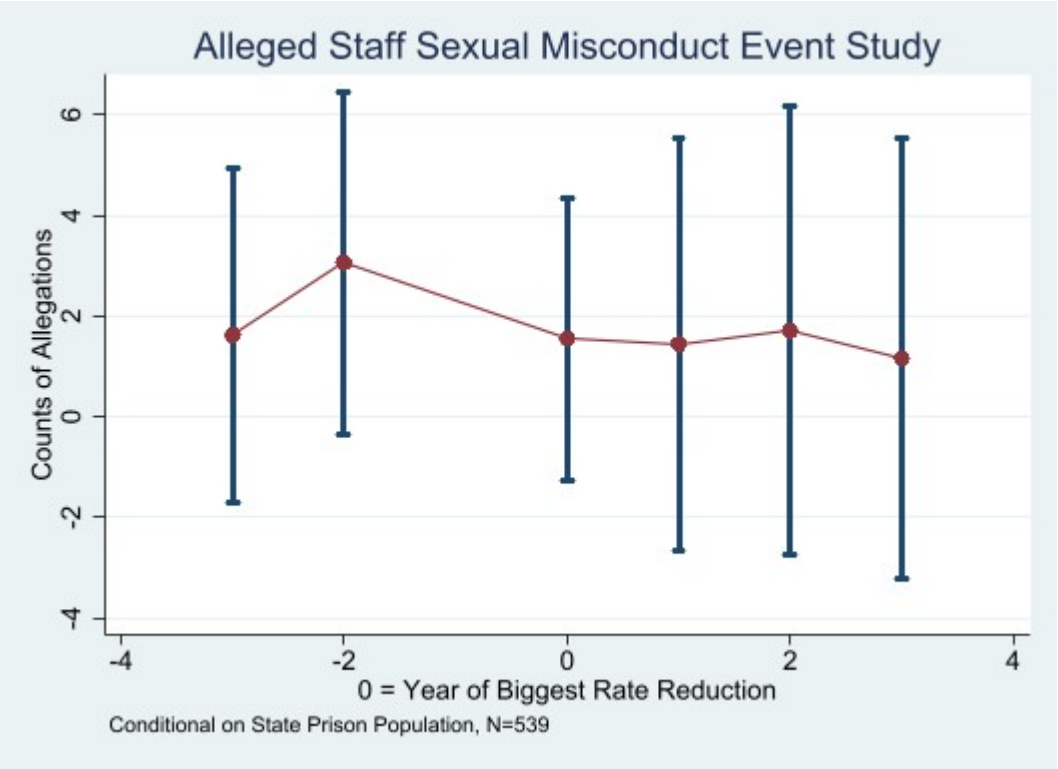
Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

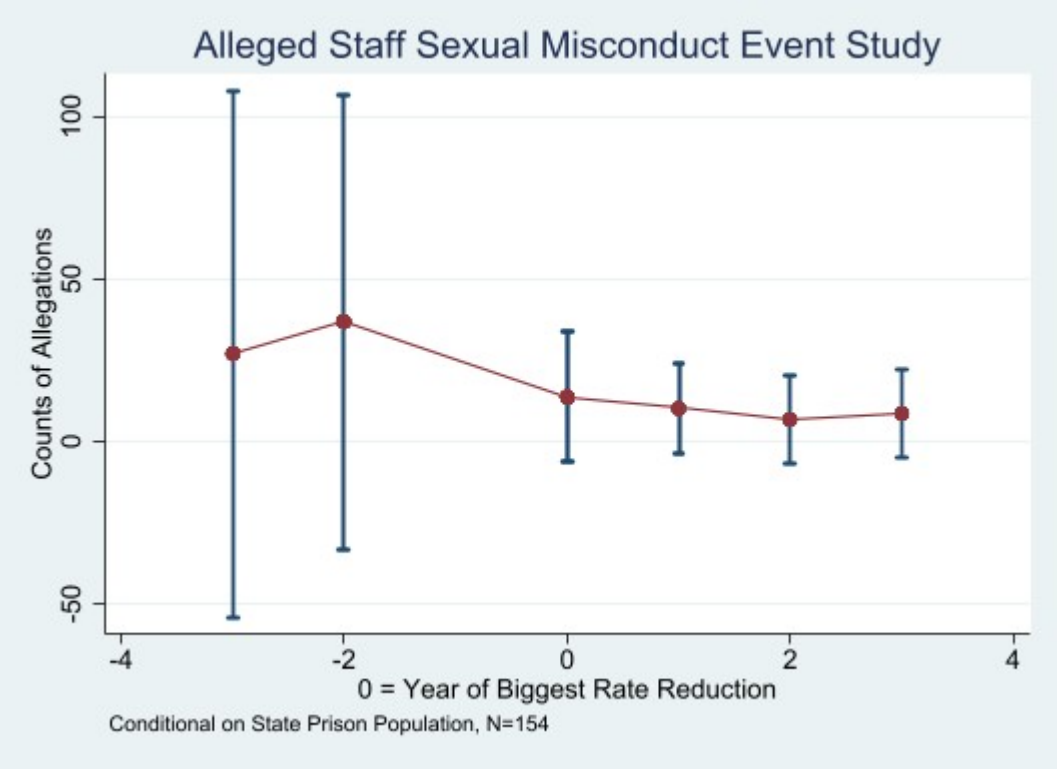
As shown above, there was no significance on the out-of-state collect call rate,

which was the coefficient of interest in this study. To further demonstrate my null result, figures (2)-(5) plot point estimates along with confidence intervales before and after each state's biggest rate reduction, where we can see that my results are indistinguishable from zero at a 95% significance level.




Alleged Inmate Noncons. Sexual Acts Event Study
Counts of Allegations
10
5
0
-5
-10
-15
-4
-2
0
2
4
0 = Year of Biggest Rate Reduction
Conditional on State Prison Population, N=153


Alleged Staff Sexual Misconduct Event Study
Counts of Allegations
6
4
2
0
-2
-4
-4
-2
0
2
4
0 = Year of Biggest Rate Reduction
Conditional on State Prison Population, N=539



7 Conclusion

As shown in the results section, this analysis was only able to yield a null result. It may be that there are multiple forces here acting in opposite directions which are confounding the estimate which I am unfortunately unable to disentangle. It could be for example that the increased ability to discuss sexual assaults with friends and family increase the tendency to report assaults, while simultaneously reducing the incentive to commit such acts due to heightened life satisfaction through stronger connections to the outside world.

Going forward, I believe that there is room for further research, perhaps with a different outcome variable. Were the data available on misconduct reports, prison fights, or perhaps some metric for injury occurrences, a more direct measurement of changes in prison violence might have been attainable, which I believe might shed some light on the underlying components at play here regarding the easement of communication barriers and prisoner unrest.

Similarly, I believe that a more frequent measure of sexual assaults would allow for smaller standard errors which would allow for much more precise estimates and allow a greater likelihood of finding significant results.

8 References

Caravaca Sánchez, F., Aizpurua, E., Ricarte, J. J., & Barry, T. J. (2020). Personal, criminal and social predictors of suicide attempts in prison. Archives of Suicide Research, 25(3), 582–595. https://doi.org/10.1080/13811118.2020.1738293

Fuchs, Z. (2020). Behind bars: The urgency and simplicity of prison phone reform. https://harvardlpr.com/wp-content/uploads/sites/20/2020/03/Fuchs.pdf

Kurzfeld, J. (2017). Prison crowding and violent misconduct. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.2994546

Mundlak, Y. (1978). On the pooling of Time Series and Cross Section Data. Econometrica, 46(1), 69. https://doi.org/10.2307/1913646

Slackman M., Calling from Prison: Economic Determinants of Inmate Payphone Rates, 10 J.L. Econ. & Pol'y 515 (2014).

Suto, I., & Arnaut, G. L. (2010). Suicide in prison: A qualitative study. The Prison Journal, 90(3), 288–312. https://doi.org/10.1177/0032885510373499

Wooldridge, J. M. (2021). Two-way fixed effects, the two-way mundlak regression, and difference-in-differences estimators. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.3906345