



LAW OFFICES OF THE  
**PUBLIC DEFENDER**  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
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PUBLIC DEFENDER

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November 7, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW – TW – A325  
Washington, DC 20554

Re: Ex Parte Presentation (via Electronic Filing)  
CC Docket No. 96-128; DA 03-4027

Dear Secretary Dortch:

I am writing on behalf of my office and my clients to endorse the proposal made by Michael S. Hamden, Esq., that the FCC take meaningful remedial action to reduce to reasonable levels the cost of telephone access by people held in jails and prisons.

As the Public Defender for the Eleventh Judicial Circuit of Florida, I am an elected, state constitutional officer appointed to represent approximately 100,000 indigent clients each year. My office employs approximately 180 attorneys plus scores of investigators and licensed social workers, all of whom must maintain ongoing contact with my clients.

Many of my clients are incarcerated in the Miami-Dade County Corrections and Rehabilitation Department ("DOC"). Those detained prior to trial are constitutionally presumed innocent and have the right to reasonable communications with their defense attorneys. Those who are held after conviction are also entitled to contact with their counsel. Mr. Hamden's presentation has already highlighted the problems with one local facility, the Miami-Dade County Detention Center.

The DOC also places my clients in other facilities throughout our large county, which requires hours of travel time for defense teams. In order to reduce travel expenses to these facilities, my office accepts and must pay approximately \$5,000.00 for collect telephone calls from clients each year. This office has been subjected to budget reductions so drastic that we have sought court approval to decline to accept large numbers of cases. We certainly cannot afford undue telephone costs.

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In addition to the constitutional implications of the cost of telephone access, these costs have rehabilitation implications. The support of family and community after a client is released from jail or prison is a key factor in whether a person becomes a law-abiding citizen or returns to the criminal justice system with another charge. Regular telephone contact between incarcerated clients and their families and loved ones is essential to maintaining these critically supportive relationships until the client is released. These relationships are important, not just to my clients, but to the well-being of their children, spouses and parents. All of my clients are indigent, as are many of their family members and friends. Permitting excessive charges for telephone calls contravenes the public policy objective of encouraging people, upon release, to take their place as productive, law-abiding citizens with strong family support.


Therefore, my office strongly endorses the comments Mr. Hamden has offered, especially in section VII of his Presentation:

The FCC must establish a comprehensive, fair rate for all intra-state and interstate prisoner telephone calls that allows the broadest possible range of calling options, covers legitimate costs, provides a reasonable rate of return to prison phone providers, eliminates "commissions," forecloses alternative means to unjustifiably inflate the cost of prisoner phone calls, and defers to state public service commissions to address requested cost adjustments—all toward the end of providing fair and reasonable rates on the widest possible range of prisoner-initiated telephone calls.

In recognition of my clients' rights to access to counsel, the financial burden on my office and public policy supporting rehabilitation, I respectfully request that the FCC take steps to reduce all related telephone costs to a more reasonable level. I submit this letter in accordance with Section 1.1206 of the Commission's Rules for inclusion in the record of this proceeding.

Thank you for your attention to this matter. Please let me know if you have any questions or if I can otherwise be of service.

Sincerely yours,



Bennett H. Brummer

BHB/slb

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