

## Inmates' families sue over collect-call fees

BY ZACHARY R. DOWDY

[zachary.dowdy@newsday.com](mailto:zachary.dowdy@newsday.com)

Long Island families with loved ones in state prisons are seeking to prevail in a lawsuit that could result in the state returning to them tens of millions of dollars for what the families say are exorbitant phone bills for calls to incarcerated relatives.

Today, attorneys representing the three families, one of whom is from Selden, will argue before the state Court of Appeals in Albany that they are entitled to refunds of money they paid because the state prison system required them to pay for collect calls that put 57.5 percent of the call's cost into the state's coffers, a diversion of funds that they argue is an unconstitutional tax.

The lawsuit, *Walton v. New York State Department of Correctional Services*, could have a ripple effect across Long Island, officials said, especially if the suit is certified as a class action. The state's prisons right now hold about 5,000 people who were convicted in Nassau and

Suffolk, 8 percent of the prison population.

"The law is clear in New York that the state can't raise revenue without being authorized to do so," said Rachel Meeropol, an attorney for the Center for Constitutional Rights in Manhattan, which is representing the families.

Meeropol's lawsuit refers to the now-outlawed practice that allowed the state Department of Correctional Services to use a collect telephone system that imposed rates or surcharges that amounted to much higher costs than regular calls.

DOCS officials, who could not be reached for comment, have argued before that money raised through the telephone calls paid for various inmate services, including health care.

Meeropol said the families could be owed as much as \$90 million for money collected over the three years before former Gov. Eliot Spitzer outlawed the practice in 2007.

The arrangement was built

into a contract designed and operated by MCI/Verizon for 10 years, with the state receiving a share of the proceeds from each call. A 19-minute collect call from a prison cost 536 percent more than one on a typical residential plan, for example.

The contract earned the state between \$20 million and \$25 million a year, officials have said.

"Many of our families still have people who are in prison and although the rates have been lowered, it's still a hardship for our families," said Barbara Allan, founder and executive director of Prison Families Anonymous, a Long Island support group for relatives of people who are incarcerated.

Meeropol said the suit covers calls made between Oct. 2003 and April 2007 and that if they win, the case will be sent back to a lower court for trial. An appellate court affirmed a lower court's dismissal in December 2008.

