

DETROIT

NATIVE SUN

## House, Senate pass legislation to lower cost of inmate telephone calls

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In 2017, Reesy Floyd-Thompson, who calls herself a “digital wonder woman,” said she had to deal with the shame of the incarceration of a significant other. Her husband’s incarceration also meant that calling him would be difficult, if not impossible.

“I used to maintain a side hustle to take care of these calls alone. My husband and I used to endure monthly bills as high as \$500 to stay connected,” said Floyd-Thompson, who headed an organization called “Prisoner’s Wives, Girlfriends, and Partners,” a support group for spouses and partners of those incarcerated.

Exorbitant telephone call rates have historically made it almost impossible for loved ones to keep in touch with family and friends behind bars.

With rates as high as \$20 per call in some areas, Congress has finally acted, and in 2023, inmates and family members will pay a lot less.

Both the House and Senate passed the Martha Wright-Reed Just and Reasonable Communications Act, which gives the Federal Communications Commission (FCC) the authority to guarantee reasonable charges for telephone and video calls in correctional and detention facilities.

“Too many families of incarcerated people must pay outrageous rates to stay connected with their loved ones,” FCC Chairwoman Jessica Rosenworcel remarked in a statement.

“This harms the families and children of the incarcerated — and it harms all of us because regular contact with kin can reduce recidivism.”

The measure now heads to President Joe Biden for his signature.

Phone calls in prison are said to generate more than \$1.4 billion per year, and the FCC previously capped rates.

A federal court, however, overturned new regulations that set rates at .25 cents per minute in 2017.

Even though a three-judge panel at the United States Court of Appeals for the District of Columbia agreed that the rates for in-state prison calls were way too high, they said the FCC went beyond its authority when it set rate caps.

“This actually undermines a key goal of prisons, which is to foster rehabilitation to foster successful reentry,” Dr. Melissa Hamilton, a senior lecturer of law and

criminal justice at the University of Houston Law Center, said at that time.

“Charging a high fee for phone calls discourages communication between prisoners and those who may be best able to keep prisoners calm and focused while in prison and who may be able to provide opportunities to prisoners upon release,” Hamilton said.

“These are friends, family, and religious connections. We know from decades of correctional research studies that prosocial contacts and opportunities are important mechanisms for rehabilitation and reentry.

“To the extent that the programs reduce these interpersonal contacts, not only are prisoners worse off. It can be detrimental to family members themselves, particularly children,” she said.

African Americans comprise about 13 percent of the U.S. population, and they also make up 35 percent of inmates.

According to a U.S. Department of Justice report, approximately 37 percent of the 2.2 million male inmates are Black.

“The astronomical fees are predatory and perpetuated by the phone companies and prisons, creating a mini-monopoly,” D.C. Democratic Delegate Eleanor Holmes-Norton said.

She said that the profits from the calls are sometimes shared with sheriff’s offices, who say they use the money for security needs.

A strong social support network is an essential tool in reducing re-offending, mainly for drug-related crimes, said Matt C. Pinsker, a former prosecutor, and magistrate who’s an adjunct professor of criminal justice at Virginia Commonwealth University.

“I find the high cost of phone calls concerning. Anything that limits one’s opportunity to be better connected with family is cause for concern,” Pinsker said.

“I have had numerous cases where clients, especially indigent ones, were unable to talk to loved ones because they had no money on their accounts,” he said.

Former FCC Commissioner Mignon Clyburn challenged the high rates, calling them a civil rights issue that prevents inmates from connecting with the nearly 3 million children in America with at least one parent in prison.

“It’s the greatest form of regulatory injustice I have seen in my 18 years as a regulator in the communications space,” Clyburn said.

## Report reveals California cops explicit bias against African Americans

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A new report has revealed that California law enforcement officers searched, detained on the curb or in a patrol car, handcuffed, and removed from vehicles more individuals perceived as Black than individuals perceived as white, even though they stopped more than double the number of individuals perceived as white than individuals perceived as Black.

California’s Racial and Identity Profiling Advisory Board’s report gathered information from 18 law enforcement agencies. The data revealed that officers stopped 2.9 million individuals in 2020. Most were African Americans and members of the LGBTQ community.

The agency said that the data included what officers “perceived” to be the race, ethnicity, gender, and disability status of people they stopped, even if the perception was different from how the person identified.

According to the data, authorities search African Americans 2.4 times more than whites and disproportionately more than other racial and ethnic groups.

It also found that individual officers perceived as transgender women were 2.5 times more likely to be searched than women who appeared cisgender.

Data for the report came from the state’s most important law enforcement agencies, like the California Highway Patrol.

However, the highway patrol didn’t include data analyzing stops based on gender identity.

All agencies must report the data in 2023.

“The data in this report will be used by our profession to evaluate our practices as we continue to strive for police services that are aligned with our communities’ expectations of service,” Chief David Swing, co-chair of the Board and past president of the California Police Chiefs Association, said in a statement.

The report further showed that Black and Hispanic individuals were more likely to have force used against them compared to white individuals, while Asian and other individuals were less likely.

Specifically, the odds of having force used during a stop were 1.32 times and 1.16 times as high for Black and Hispanic individuals, respectively.

Asian and other individuals whom officers stopped had lower odds of having force used against them (0.80 and 0.82, respectively) relative to the odds for those perceived as white.

Search discovery rate analyses showed that, when officers searched individuals, all races, or ethnic groups of color, except for Asian and Middle Eastern/South Asian individuals, had higher search rates despite having lower rates of discovering contraband than individuals perceived as white.

Furthermore, a search and discovery rate analysis show that officers searched people perceived to have a mental health disability 4.8 times more often and people perceived to have other types of disabilities 2.7 times more often than people perceived to have no disability.

Still, they discovered contraband or evidence at a lower rate during stops and searches of people with disabilities.

Officers used force against individuals perceived to have mental health disabilities at 5.2 times the rate at which they used force against individuals they perceived to have no disabilities.

The data show that Black and Hispanic/Latinx individuals are asked for consent to search at higher rates than white individuals.

Officers searched Black, Hispanic/Latinx, and multiracial individuals at higher rates for consent-only searches than all other racial/ethnic groups.

These consent-only searches resulted in lower rates of discovery of contraband (8.5%, 11.3%, and 13.0%, respectively) than searches of all other racial and ethnic groups.

The reason for the stop was a traffic violation in more than half of the stops where officers conducted a consent-only search (consent being the only reason for the search) of black, Hispanic/Latinx, and Middle Eastern/South Asian individuals. On the other hand, less than 30% of the consent-only searches of white people happened during traffic stops.

The people who wrote the report said that searches based on consent alone lead to fewer discoveries than searches based on reasonable suspicion or probable cause. With consent-only searches, the rate of finding something was 9.2 percentage points lower for Black people than for white people.

“Given the disparities in the data on consent searches, the board questions whether consent searches are truly voluntary,” the authors wrote.

While the data show that most people consent to a search when asked by an officer, research from the report reflects that this “consent” is not necessarily voluntary because of the inherent power inequality between a law enforcement officer and a member of the public.

The research shows that this natural power imbalance is evident in vulnerable groups, such as people with mental health problems or young people, who may be more likely to give in to authority.

“Indeed,” the authors wrote, “RIPA data reflects that for both people with mental health disabilities and youth, a larger proportion of their stops that began as consensual encounters resulted in searches, as compared to people without mental health disabilities or adults.”

Board members said they carefully looked at the data about people who were stopped and searched because of their status as people under supervision.

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