

Sheriffs Threaten Retaliation If The Price Of Prisoner Phone Calls Is Regulated

BY ALICE OLLSTEIN POSTED ON MAY 6, 2015 AT 8:00 AM



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With federal action expected this summer to regulate the cost of prison phone calls, the National Sheriffs' Association announced they may “significantly limit or eliminate altogether” the right of prisoners to make those calls.

Incarcerated people and their families — who are disproportionately low-income — have fought for decades against the often exorbitant rates charged for a phone call home by companies that hold exclusive contracts and provide kickbacks to the jails themselves.

In 2013, they appeared to win a major victory when the Federal Communications Commission (FCC) passed an interim rule to cap the cost of calls between states at 25 cents per minute — meaning 15-minute calls that used to be as high as \$17 could no longer cost more than \$3.25. In announcing the change, the FCC said the current fee structure is “unjust and unreasonable.”

But this reform has sparked a revolt from those who benefited financially from the old system: the prison phone industry that makes more than a billion a year in profits, and the state and county governments that get “commissions” from those calls that they use to pad their budget. In some states, commissions make up as much as 94 percent of the cost of the call, funneling millions of dollars to cash-strapped local jurisdictions.

Deborah Golden, an attorney with the DC Prisoners' Rights Project, told ThinkProgress she views these commissions as “another tax on poor people and people of color.”

“Our main plaintiff Martha Wright, who sadly passed away last year, was often forced to choose between medicine, food and calling the prison to talk to the grandson she raised,” said Golden. “These are stories we hear over and over from people. The vast majority of prisoners don't come from rich families. They're trying to get by every single day, and a 15 minute phone call even once a month is a real strain in their budget.”

Golden represents current and former DC prisoners, their families and community members who are pushing the FCC for a final rule regulating phone rates, and suing to get compensated for the multiple decades they say they were overcharged.

“The prisons are using the kickbacks from the phone calls to cover the costs of medical care, food, adequate shelter — things the Constitution says they must provide to inmates,” she said.

“We as a society have to decide if it's worth the cost to incarcerate 25 percent of the world's prisoners. But you can't make that cost up with a tax on families for the crime of having a loved one who is incarcerated. They're saying, ‘Too bad for that three year old who wants to talk to her mommy.’ They want to punish her because they can't line their pockets.”

Several states, including New York, have already eliminated commissions, which made the cost of a call from prison drop from one of the highest in the country to one of the lowest.

But the Sheriff's Association recently told the FCC that without the "commission" fees, they may not be able to afford to provide phone services to prisoners. Prison rights advocates counter that state can't afford not to. Many studies have found that regular family communication greatly reduces someone's likelihood of returning to prison after release, a pattern Golden has seen with her own clients.

"Coming home from prison...the only people I see transition successfully have really strong family, church or community support," she said. "Only by keeping those ties strong do people have any shot. Otherwise, they're alone in a city they don't recognize with no resources."

"You can't say letters are the same thing [as a phone call]," she continued. "Writing to a small child who can't even read is not the same thing as talking to someone. Hearing your son's voice to know he's okay is very different from getting a letter."

This is something editor and advocate Paul Wright knows very personally. Now head of the blog *Prison Legal News*, Wright was incarcerated himself for nearly two decades in Washington State, thousands of miles from his family in Florida.

"Back in the 80s, I could call them collect and talk for about half hour for just \$2," he told ThinkProgress. "But in 1992, the state signed a contract with AT&T giving them kickbacks, and I watched cost increase to the point where I couldn't call my family often. By the end of 90s, it was over \$20 dollars, which had a huge impact on me. I wasn't able to talk to my wife and children very much because of the economic cost. When you think about the fact that there are more than 2 million children in America with a parent in prison, it's especially perverse."

Wright, who also founded the Human Rights Defense Center, which advocates for affordable phone rates and other prison reforms, says the Sheriffs Association's threat to eliminate prison phone calls is "a bluff that should definitely be called."

"For decades, prisons and jails provided secure, cheap telephone services with no problems. They're perfectly capable of doing it," he said. "It's just that now they view prisoners as profit centers. They're monetizing human suffering and human captivity. They get a lot of information from the recorded calls, so it would be stunning if they removed telephones if they couldn't gouge people as much as they wanted to."

As the FCC works on a final rule on prison phone rates, the Sheriffs are voicing their opposition, and the handful of telecom companies that dominate the market are also suing to block the regulations. But the agency appeared to be standing its ground as recently as a few months

ago, releasing a report saying its interim rules capping the cost of interstate prison phone calls were working. They note that now, more prisoners are making calls, which is “evidence that unreasonable rates were discouraging communications.”

Though they’re hopeful about the final rule, expected this summer, prison rights advocates have expressed concern that corporations will find new ways to make money off incarcerated people and their families.

“As the gravy train is coming to an end, these same telecoms are moving aggressively to field of video visitation, which is completely unregulated,” explained Wright, noting that some existing video contracts give generous kickbacks, but require jails to completely eliminate in-person visitation.

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