



March 20, 2020

TO: Gov. Charlie Baker
Sec. Thomas Turco
All Massachusetts Sheriffs

Re: Free communication for all incarcerated

Dear Public Safety Officials:

We are writing to urge that you ensure maximum access to telephone and video conferencing (where available) for all those incarcerated in Massachusetts, given the suspension of personal visitation to prevent the spread of COVID-19.

As many of us have urged in [previous correspondence](#)¹, it is vital for public health as well as prisoner and staff safety that prison and jail populations be reduced as much as possible through all means at your disposal, including the Governor's clemency power and emergency powers under Ch. 639 of the Acts of 1950, furlough powers under G.L. c., 127 § 90A, and maximal use of earned reduction of sentence under G.L. c. 127 § 129D. Massachusetts must join a growing movement of Sheriffs, state officials, and prosecutors nationally (including Suffolk County District Attorney Rachel Rollins) to reduce the public health threat posed by incarceration.

We write now to emphasize that, for those who are not released, telephone, email and video communication (to the extent capacity for video calling exists) must be made available free of charge. And incarcerated people and their loved ones must be able to speak for a substantial period of time daily. There have been a number of welcome steps taken to provide free calls in the Department of Correction, Middlesex County, Hampden County, and Hampshire County, but other Massachusetts counties have yet to join the many other jurisdictions nationally taking this important step.

Further, all incarcerated people should be given at least two hours of free telephone calls daily, subject to the limits of available equipment and depending on the level of actual demand by prisoners. This will serve the urgent needs of prison families, who are now isolated and suffering economically from the crisis. It will also help preserve some semblance of connection and sanity to prisoners trapped in a dangerous and stressful environment. And this target is reasonable given that many incarcerated people may not make calls every day and not all will use two hours of daily calls.

¹ See <http://plsma.org/march-12-pls-letter-to-gov-and-public-safety-coronavirus/> and <https://docs.google.com/document/u/1/d/e/2PACX-1vQxyfu4bhur0v7ykUcwdCAOUMIZNB90CXfu49Au5udh9P-EmAtL5aLuu5hNEUWnwGxG6byYiyFVcUet/pub>

To the extent that equipment and current contracts allow for video visitation, it goes without saying that providing this service free to all prisoners will go even further to sustaining vital family connections and creating a safer climate in prison. Email is also a source of connection and may reduce demand for telephones; given the negligible cost involved, it should immediately be provided free to all prisoners, through kiosks and tablets, and delivery of email should be done within a reasonable time.

Expense should not be an objection here. In recent years, the DOC and each of the counties has collected millions of dollars from prison families in “site commissions” – revenues paid by families to prison phone providers which are then passed on to the prisons. Inmate Benefit Funds and similar funds in DOC and in the counties often receive these commissions and can easily be used to help pay for calls now. Further, the actual cost of providing telephone service is pennies per minute, as demonstrated by contracts in jurisdictions that have eliminated site commissions, such as Dallas County in Texas, which now charges \$0.0119 per minute. Certainly the current crisis provides justification to renegotiate current contracts that include far higher rates.

The benefits of free telephone and other communications go far beyond the current COVID crisis. Even when in-person visits resume, low-income prison families will continue to face geographic and financial barriers to visitation. The burden is hardest on children, and in Massachusetts some [69,000 children](#) or five percent of our kids, have a parent in prison.² In addition, [decades of studies](#)³ show the correlation between strong family ties during incarceration and reduced recidivism rates. Finally, increased communication with loved ones [has been shown to reduce misconduct in facilities](#) by lowering anxiety and tension.⁴ Stability may be one reason jurisdictions like New York City have [shifted to free phone calls permanently](#).⁵

The suspension of visits, economic distress, and anguish in and out of prison caused by the COVID-19 crisis demand that you make every effort to preserve family contact by providing two hours of free telephone calls daily (or video where possible), and free email. We hope that such measures will make evident the benefits of such communication even after this crisis ends.

Respectfully,

Prisoners’ Legal Services of Massachusetts
National Consumer Law Center (on behalf of its low-income clients)
Charles Hamilton Houston Institute for Race and Justice
Disability Law Center
Greater Boston Legal Services, CORI & Re-entry Project
Emancipation Initiative
Families for Justice as Healing
National Lawyers Guild, Massachusetts Chapter

² See https://www.aecf.org/resources/a-shared-sentence?gclid=CjwKCAiA__HvBRACEiwAbViuU7r-IIXNfmLi7RxnO9lwLrBi66WYYotZYse9ibMCuwkHkIEE-i9ymRoCmnsQAvD_BwE/#findings-and-stats

³ See, e.g., https://www.researchgate.net/publication/228537671_Transitions_from_Prison_to_Community_Understanding_Individual_Pathways and <https://www.westerncriminology.org/documents/WCR/v07n2/naser.pdf>.

⁴ See https://www.researchgate.net/publication/256919807_The_ties_that_bind_or_the_ties_that_break_Examining_the_relationship_between_visitation_and_prisoner_misconduct

⁵ <https://www.nytimes.com/2018/08/06/nyregion/phone-calls-free-nyc-jails.html>

Jobs Not Jails Coalition
Bristol County for Correctional Justice
Coalition for Social Justice
Real Cost of Prisons Project
Mental Health Legal Advisors Committee
Coalition for Effective Public Safety, Steering Committee
Black and Pink, Boston
Massachusetts Against Solitary Confinement
Unitarian Universalist Mass Action
American Civil Liberties Union of Massachusetts
Greater Boston Interfaith Organization
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
League of Women Voters of Massachusetts
Community Reentry Program Inc.
Justice 4 Housing, Inc.
Criminal Justice Reform Task Force of Congregation Dorshei Tzedek
End Mass Incarceration Together (EMIT)
Northeastern University School of Law Prisoners' Assistance Project
Deeper than Water Coalition
New Beginnings Reentry Services
Standing Up For Racial Justice (SURJ), Boston
Joel Thompson, Managing Attorney, Harvard Prison Legal Assistance Project
William August
Nia Reed
Rachel Roth, co-author, *Breaking Promises: Violations of the Massachusetts Pregnancy Standards and Anti-Shackling Law*