

# Illegal Kickback Scheme Nearly Doubles the Cost of Privatized Calls made by Prisoners in Massachusetts Corrections Facilities, Lawsuit Alleges

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*Consumer and Prisoners' Rights Groups Argue Agreement between Securus Technologies and the Bristol County Sheriff's Office Harms Consumers, Should be Halted*

Boston - An illegal kickback scheme between the Bristol County Sheriff's Office (BCSO) in Massachusetts and Securus Technologies (Securus)—a company that operates privatized telephone systems in U.S. correctional facilities—is inflating the cost of calls and harming Massachusetts consumers, according to a lawsuit filed Wednesday afternoon.

Prisoners in Bristol County who want to communicate by phone with family, friends, and legal representatives have only one option available: they must use the privatized system operated by Securus. The cost of these calls is grossly inflated—approximately doubled—because Securus agreed to pay the BCSO illegal kickbacks in order to secure its exclusive phone service contract—and now passes along the costs of those payments to prisoners' loved ones and attorneys.

"The illegal kickback scheme between Securus and the Bristol County sheriff is creating needless hardship for prisoners and their loved ones, making prisoner reentry to the community more difficult, and increasing the cost of legal representation," **said Brian Highsmith, staff attorney at the National Consumer Law Center.** "The excessive costs imposed by these payments are an unlawful attempt to exploit vulnerable Massachusetts prisoners and their loved ones by commercializing their contacts with the outside world."

Under applicable Massachusetts law, sheriffs are not authorized to assess fees for telephone calls. Indeed, the Supreme Judicial Court has ruled that Bristol Sheriff Hodgson cannot charge prisoners in BCSO facilities any fees that are unauthorized by law—and he has failed in his subsequent attempts to get the Massachusetts legislature to authorize fees. But rather than attempt to assess these fees directly, the BCSO receives fees by arranging for Securus, a private vendor, to extract revenues from prisoner phone calls on its behalf. Those revenues are then redirected to the BCSO through illegal financial kickbacks.

Such arrangements are common in Massachusetts, as well as nationally. Operators of correctional facilities expect to receive kickbacks, often requiring such payments (sometimes called "site commissions") during public bidding. In order to obtain the exclusive contract, providers like Securus willingly oblige—competing not on providing the best value for indigent prisoners and their families, but rather on their willingness to extract money from consumers and funnel them to the prison. This type of illegal kickback scheme is barred under Massachusetts' prohibition on unauthorized prison fees—and this lawsuit is the first case to challenge the practice on that basis.

Although speaking by phone is a critical lifeline for incarcerated people and their families, the inflated cost of Securus phone calls makes it difficult to maintain such a relationship. Since there is no alternative service provider, there is no price competition to restrain abusive practices. Faced with excessive phone bills, families are forced to make difficult decisions about paying to receive these calls from their loved ones and making payments on other bills and expenses.

Plaintiff Roger Burrell has no other option to communicate with his 95-year-old mother and disabled sister, both of whom live over 100 miles away. Plaintiff Kellie Pearson paid to receive regular calls from her fiancé prior to his suicide while incarcerated—placing a significant strain on her family's finances. Another plaintiff, who is being held on bond while awaiting trial, uses the Securus telephone system to help coordinate his medical, financial, and legal needs.

“It's cruel and senseless to make prisoners' families pay for the running of the prison through their phone calls,” **said Bonnie Tenneriello, senior attorney at Prisoners' Legal Services of Massachusetts.** “Why should a prisoner's child be denied that bedtime call because it's needlessly expensive? Contact with family is known to help prisoners succeed on release.”

Securus Technologies provides privatized phone and video calling services in 10 out of 14 counties in Massachusetts as well as the 16 state prisons managed by the Massachusetts Department of Corrections. The Texas-based telecom giant has annual revenues of nearly \$600 million, according to figures provided by the Corrections Accountability Project. Securus was acquired in 2017 for \$1.6 billion by the private equity firm Platinum Equity, which is headquartered in Los Angeles and has a regional office in Boston.

The class-action lawsuit is brought by the National Consumer Law Center, Prisoners' Legal Services of Massachusetts, the Legal Services Center of Harvard Law School, and Bailey & Glasser LLP. The lawsuit seeks an injunction to halt the unlawful payment scheme and monetary relief to return the money illegally extracted from class members.

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**Contacts:** National Consumer Law Center: Jan Kruse, [jkruse@nclc.org](mailto:jkruse@nclc.org), or Stuart Rossman, [srossman@nclc.org](mailto:srossman@nclc.org); (617) 542-8010

Prisoners' Legal Services of Massachusetts: Bonita Tenneriello, [btenneriello@plsma.org](mailto:btenneriello@plsma.org), or Elizabeth Matos, [lmatos@plsma.org](mailto:lmatos@plsma.org); (617) 482-2773

Legal Services Center of Harvard Law School: Roger Bertling, [rbertlin@law.harvard.edu](mailto:rbertlin@law.harvard.edu), (617) 390-2572

Bailey & Glasser LLP: John Roddy, [jroddy@baileyglasser.com](mailto:jroddy@baileyglasser.com), or Elizabeth Ryan, [ERyan@baileyglasser.com](mailto:ERyan@baileyglasser.com); (617) 439-6730