



**Written Testimony before the
Commonwealth of Massachusetts
Joint Committee on Public Safety and Homeland Security**

In support of
S.1559, An Act Relative to Inmate Telephone Calls
November 2, 2021

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National Consumer Law Center
(on behalf of its low-income clients)

Dear Senate Chair Timilty, Senate Vice Chair Chang-Diaz, House Chair González, House Vice Chair Biele, and Members of the Joint Committee on Public Safety and Homeland Security:

Thank you for inviting testimony regarding S.1559, An Act Relative to Inmate Telephone Calls. On behalf of the low-income clients of the National Consumer Law Center,¹ I urge the Joint Committee on Public Safety and Homeland Security vote S.1559 favorably out of committee and to support the bill's prompt passage to remove the cost barrier to phone calls for incarcerated people and their families.

The ability to connect with loved ones is always critical. It is even more critical as the need to check in on one another's health and well-being remains at an all-time high due to the ongoing COVID-19 pandemic, which has put incarcerated people at high risk of infection.² The pandemic has highlighted and heightened the reality that incarcerated

¹ The National Consumer Law Center (NCLC) is a Boston-based nonprofit that engages in research, education, advocacy, and litigation to advance economic justice for low-income and other disadvantaged people, including people of color and older adults. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, federal and state governments, and courts across the nation to protect low-income people from harmful lending and debt collection practices, help financially stressed families build and retain wealth, and advance economic fairness. Through its Criminal Justice Debt Project, NCLC works to address fines-and-fees policies that criminalize poverty and strip wealth from communities of color, as well as abuses by private actors, including prison telecommunications companies.

² Matthew J. Akiyama, M.D., Anne C. Spaulding, M.D., & Josiah D. Rich, M.D., Flattening the Curve for Incarcerated Populations - COVID-19 in Jails and Prisons, *NEW. ENG. J. OF MEDICINE* (Apr. 2, 2020), nejm.org/doi/full/10.1056/NEJMp2005687. As of June 2021, 2,574 cases of COVID-19 and 21 deaths related to COVID-19 were reported among incarcerated people in Massachusetts. The Marshall Project,

people and their families, who are overwhelmingly low-income and people of color,³ have long lived with: exorbitant prison and jail communication costs.

Even before the COVID-19 economic crisis, one-third of families with incarcerated loved ones went into debt trying to stay connected.⁴ Families with a loved one inside a Massachusetts county jail can pay \$2.10 for a 15-minute in-state call. And families with loved ones inside state prisons can pay \$1.80 for a 15-minute in-state call, which, while 30 cents cheaper, is still far greater than the rates charged by some of the Commonwealth's neighbors: Connecticut (free beginning in 2022), New Hampshire (\$0.20), and New York (\$0.64).⁵

The National Consumer Law Center's clients have been harmed by unaffordable phone costs. We currently represent consumers challenging what we allege is an unlawful kickback scheme between Bristol County's sheriff and telecom giant Securus Technologies.⁶ The only way people incarcerated in Bristol County can communicate by phone with their loved ones is through the privatized calling system operated by Securus. The excessive cost of Securus phone calls has created needless financial hardship for our clients—and prevented them from having more regular contact with their loved ones.

The high cost of calls forced one of our clients, Kellie Pearson, to navigate impossible decisions between meeting basic needs and maintaining contact with her fiancé, who was incarcerated pretrial. Ms. Pearson estimates that she spent thousands of dollars on charges to speak to her fiancé using the Securus phone system while he was incarcerated, severely straining the family budget. Her teenage daughter had to rush through conversations with her father so the call didn't get too expensive. As Ms. Pearson described, "It was crushing to her." She was overwhelmed by bills, and she eventually had to tell her fiancé that they could no longer afford to talk regularly. As reported by the *Boston Globe*, he took his life just days later.⁷

A State-by-State Look at Coronavirus in Prisons (last visited Sept. 22, 2021),

<https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>.

³ See Brian Highsmith, Written Testimony before the Judiciary Committee of the Connecticut General Assembly, 2019 Regular Session (March 25, 2019), <https://www.nclc.org/images/testimony-hb6714-ct-gen-assembly.pdf>.

⁴ SANETA DE VUONO-POWELL, ET AL., ELLA BAKER CENTER FOR HUMAN RIGHTS, FORWARD TOGETHER, AND RESEARCH ACTION DESIGN, WHO PAYS? THE TRUE COST OF INCARCERATION ON FAMILIES 9 (2015), <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>.

⁵ See Prison Policy Initiative, Inc., Comment on Fed. Comm. Comm'n, Fifth Further Notice of Proposed Rulemaking, In the Matter of Rates for Interstate Inmate Calling Services, Appendix 2 (Sept. 27, 2021), <https://ecfsapi.fcc.gov/file/10927169148487/2021-09-27%20-%20PPI%20Comments%20on%205th%20FNPRM.pdf#page=30>; see also Prison Phone Justice,

Intrastate (in-state) Prison Phone Rates (last visited Oct. 1, 2021), <https://www.prisonphonejustice.org/>.

⁶ See Complaint, *Pearson v. Hodgson*, No. 1:18-cv-11130 (D. Mass. July 30, 2018), <http://www.nclc.org/images/pdf/litigation/securus-complaint.pdf>.

⁷ Maria Cramer, *Lawsuit challenges the high cost of calling from jail*, BOSTON GLOBE (May 3, 2018), <https://www.bostonglobe.com/metro/2018/05/03/lawsuit-challenges-high-cost-calling-from-jail/q17v1CL0bZBhxOXd9qOBRP/story.html>.

The widespread job loss and economic hardship caused by the COVID-19 crisis has exacerbated the financial strain on those, like our clients, who already were struggling to stay connected. Unless the Commonwealth provides access to free calls, many families will simply be unable to afford to communicate with loved ones.

Although the burden on families is substantial, cost should not be a concern for the Commonwealth. The actual cost of providing telephone service is pennies per minute.⁸ Current rates are high in many counties not due to the cost of providing service but due to “site commissions”—a kickback from the phone service provider to the correctional facility, funded by the inflated costs the provider imposes on incarcerated people and their families.⁹

Free communication does not simply benefit incarcerated people and their loved ones during the period of incarceration. Research shows that those who maintain contact with their families during incarceration are more likely to reenter successfully.¹⁰ As one researcher summarized, “Every known study that has been able to directly examine the relationship between a prisoner’s legitimate community ties and recidivism has found that feelings of being welcome at home and the strength of interpersonal ties outside prison help predict postprison adjustment.”¹¹ In this way, free communication for incarcerated people also benefits our society more broadly.

The cost of a call should never mean someone has to choose between paying for rent or groceries and ensuring that their loved one is healthy and well.

For these reasons, I urge you to vote S.1559 out of committee favorably and to do everything in your power to quickly pass this legislation.

Thank you for your consideration.

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⁸ See Bonita Tenneriello & Elizabeth Matos, *The Telephone Is a Lifeline for Prison Families. And Calls Are Outrageously Expensive*, WBUR (Jan. 27, 2020), <https://www.wbur.org/cognoscenti/2020/01/27/cost-of-phone-calls-prison-bonita-tenneriello-elizabeth-matos>.

⁹ See Testimony of Prisoners’ Legal Services, the American Civil Liberties Union of Massachusetts, Committee for Public Counsel Services, Mental Health Legal Advisors Committee, and Disability Law Center to the Joint Committee on the Judiciary in Support of H.1900: An Act relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth 2 (Oct. 5, 2021) (discussing how prisons, jails, and phone companies profit by extracting money from low-income families).

¹⁰ Ryan Shanahan & Sandra Villalobos Agudelo, *The Family and Recidivism*, AMERICAN JAILS (Sept. 2012), <https://www.prisonpolicy.org/scans/vera/the-family-and-recidivism.pdf>.

¹¹ Joan Petersilia, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY 246 (2006) (emphasis in original).

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