



Date: September 3, 2020

To: Massachusetts House and Senate Democratic Leadership

Re: No Cost Calls Legislation, S.2846

Dear Legislators,

We write to you today as a coalition of organizations, legal service providers, public defenders, social workers, and directly impacted people. In a moment of dual crises—a global pandemic and subsequent economic disaster—the Massachusetts State Legislature must act now to address the ongoing extraction of vital resources from families, predominantly Black and Brown, seeking to stay connected to incarcerated loved ones. We urge you to pass S. 2846 to remove the cost barrier to phone calls for incarcerated people and their families.

The Massachusetts Department of Correction (DOC) and county sheriffs maintain enormous and ever-increasing budgets, even as overall rates of incarceration steadily decline. Adjusting for inflation, state and county correctional expenditures grew by 6 percent between FY 2013 and FY 2020, a period during which the incarcerated population fell by 27 percent.<sup>1</sup> Despite this decline in population, the most recent data for the 2019 calendar year show state prisons and county jails employed an all-time high of 13,000 workers.<sup>2</sup> Salaries in the corrections industry are also increasing: Between FY2011 and FY2017, the average salary for employees at sheriff's departments increased by 22 percent, while the average salary for DOC employees rose by 29 percent.<sup>3</sup> Growing expenditures with a shrinking population pushed the costs per incarcerated person up by 45 percent, from \$43,671 in 2013 to \$63,314 in 2020.<sup>4</sup>

However, with a few exceptions, jails treat programming for incarcerated people as an afterthought rather than a priority. Spending on programming remains at most a meager four percent of the correctional budget.<sup>5</sup> Still, county sheriffs claim that they cannot afford to pay for basic rehabilitative programming without corporate kickbacks from telecom corporations that charge families egregious service rates. The cost of phone calls ostensibly functions as a regressive state tax on a small subset of taxpayers forced to pay up to \$6.15 for a simple 15-minute local call with their loved ones.<sup>6</sup>

---

<sup>1</sup> <https://massinc.org/2020/06/24/with-prison-populations-halved-its-time-for-a-reinvestment-strategy/>

<sup>2</sup> Id.

<sup>3</sup> <https://massinc.org/wp-content/uploads/2018/05/Revisiting-Correctional-Expenditure-Trends-in-Massachusetts.pdf>

<sup>4</sup> <https://massinc.org/2020/06/24/with-prison-populations-halved-its-time-for-a-reinvestment-strategy/>

<sup>5</sup> <https://massinc.org/wp-content/uploads/2018/05/Revisiting-Correctional-Expenditure-Trends-in-Massachusetts.pdf>

<sup>6</sup> [https://www.prisonpolicy.org/phones/state\\_of\\_phone\\_justice.html](https://www.prisonpolicy.org/phones/state_of_phone_justice.html)

The well-documented over-policing of Massachusetts' Black and Brown neighborhoods, the criminalization of Black and Brown youth, and the disparate nature by which Black and Brown addiction is criminalized instead of addressed with treatment, have all been at the center of mass incarceration in the Commonwealth and nationally. While only 27 percent of the state's population is Black or Latinx, people of color make up more than 54 percent of the people imprisoned by the DOC.<sup>7</sup> Black and Latinx children are respectively, nine and three times more likely than White children to have a parent in prison.<sup>8</sup> These communities are forced to subsidize their loved ones' incarceration through the cost of calls.

Even before COVID-19, more than 50 percent of families with an incarcerated loved one struggled to pay for basic housing and food needs.<sup>9</sup> The Commonwealth's failure to provide no-cost communication forces families to make impossible decisions between paying for rent, groceries, transportation, and paying to say "I love you" or "Good night" over the phone to their loved one. Massachusetts families pay some \$24 million each year to connect with incarcerated loved ones;<sup>10</sup> to do so, one in three of these families will go into debt.<sup>11</sup>

But it does not have to be that way. When New York City, with a similar correctional budget to that of Massachusetts (\$1.4 billion), introduced free phone calls, the cost was likened to "a rounding error"—less than 1% of the total custodial budget.<sup>12</sup> Removing the incentive to charge families exorbitant rates resulted in more reasonable contracts between the city and the telecom company. Moreover, NY City's change in policy should reassure legislators that it's possible to provide free phone call service through a communications company with the appropriate equipment, despite the exaggerated security concerns raised by the Massachusetts Sheriffs Association.

As a result of the work of Black organizers, constituents across the Commonwealth understand that no-cost calls are about keeping families together. People should not be forced to pay for a lifeline, nor the programs offered by the DOC and county facilities. It is unconscionable that in this moment a mother is forced to choose between buying groceries and talking to her incarcerated child or that a child would need to forego hearing his incarcerated mother's voice when they most need comfort. The Commonwealth must intervene to ensure that corporations can no longer profit from lines of communication that are critical to creating the support networks necessary for success upon reentry. We respectfully ask you to pass S. 2846 this session!

Respectfully,

### **Membership Organizations/Associations/Coalitions**

American Civil Liberties Union of Massachusetts

Mass NOW, Massachusetts Chapter of the National Organization for Women

Greater Boston Interfaith Organization

Jane Doe Inc.

Jewish Alliance for Law and Social Action (JALSA)

---

<sup>7</sup> <https://www.mass.gov/doc/prison-population-trends-2019/download>

<sup>8</sup> [https://humanimpact.org/wp-content/uploads/2018/10/KeepingMAKidsParentsTogetherHealthier\\_2017.09.pdf](https://humanimpact.org/wp-content/uploads/2018/10/KeepingMAKidsParentsTogetherHealthier_2017.09.pdf)

<sup>9</sup> de Vuono-Powell, Saneta et al. "Who Pays? The True Cost of Incarceration on Families." Ella Baker Center, 2015, <http://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

<sup>10</sup> de Vuono-Powell, Saneta et al. "Who Pays? The True Cost of Incarceration on Families." Ella Baker Center, 2015, <http://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

<sup>11</sup> <https://www.wbur.org/cognoscenti/2020/01/27/cost-of-phone-calls-prison-bonita-tenneriello-elizabeth-matos>

<sup>12</sup> <https://theappeal.org/rikers-free-phone-calls/>

Muslim Justice League  
Progressive Massachusetts  
Massachusetts Communities Action Network (MCAN)  
The National Association of Social Workers- Massachusetts Chapter  
Union of Minority Neighborhoods  
Asian American Resource Workshop  
Greater Boston Labor Council  
Massachusetts Association for Mental Health (MAMH)  
Building Up People Not Prisons  
Boston Workers Circle  
Pioneer Valley Workers Center  
Coalition for Effective Public Safety (CEPS)  
Massachusetts Against Solitary Confinement (MASC)  
The Criminal Justice Policy Coalition  
The Coalition for Social Justice  
Massachusetts Jobs with Justice  
Cape Cod Coalition for Safe Communities  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Worth Rises

### **Legal Services**

GLBTQ Legal Advocates & Defenders  
Mental Health Legal Advisors Committee  
Massachusetts Law Reform Institute  
Greater Boston Legal Services  
Committee for Public Counsel Services  
The Children's Law Center of Massachusetts  
National Consumer Law Center (on behalf of its low-income clients)  
Center for Public Representation-Massachusetts (CPR-MA)  
Northeastern University School of Law Immigrant Justice Clinic  
Immigrants' Rights and Human Trafficking Program at Boston University School of Law  
The Northeast Justice Center  
National Lawyers Guild-MA Chapter  
Prisoners' Legal Services of Massachusetts

### **Grassroots Advocacy Organizations and Directly Impacted Leadership**

Families for Justice as Healing  
Black and Pink, Boston  
The Real Cost of Prisons Project  
Bristol County for Correctional Justice  
SIFMA Now!  
Young Abolitionists  
Out Now, Springfield  
Emancipation Initiative  
Jobs NOT Jails  
Decarcerate Western Massachusetts  
Massachusetts Prisoners and Organizers Working for Enfranchisement and Restoration (Mass POWER)  
Showing Up for Racial Justice Boston (SURJ Boston)  
Justice 4 Housing  
racismfree Worcester Public Schools

Defund WPD  
Sisters Unchained  
Alternatives for Community & Environment (ACE)

### **Community Services**

Boston Immigration Justice Accompaniment Network  
Community Reentry Program Inc.  
New Beginnings Reentry Services, Inc  
Material Aid and Advocacy Program (MAAP)  
Western Mass Recovery Learning Community  
Ascentria Care Alliance  
HarborCOV  
Rian Immigrant Center (Formerly the Irish International Immigrant Center)  
Metro Boston Recovery Learning Community  
Southeast Recovery Learning Community  
Eastern Massachusetts Abortion Fund  
Massachusetts Bail Fund  
Immigrant Service Providers Group/Health, Somerville, MA  
Great Falls Books Through Bars  
Haley House

### **Religious Leaders**

Unitarian Universalist Mass Action  
Unitarian Universalist College of Social Justice  
Unitarian Universalist Service Committee  
End Mass Incarceration Together (EMIT)  
Actual Justice Task Team UCC  
Peace and Social Justice Committee at Friends Meeting at Cambridge  
Kavod Boston  
The Criminal Justice Reform Task Force of Congregation Dorshei Tzedek  
Tikkun Olam/Social Justice Committee of Congregation B'nai Israel in Northampton, MA  
Sisters of St. Joseph of Boston  
Refugee Immigration Ministry  
The United Church of Christ, Congregational, in Burlington, MA  
The Presbyterian Church in Burlington, PC(USA), Burlington, MA  
Immigration Justice Task Force of First Parish, Concord  
First Parish in Brookline  
Tikkun Central at Temple Israel of Boston  
Tzedek@Sinai of Temple Sinai, Brookline  
The Community Church of Boston

### **Elected Officials and Judges**

Congresswoman Ayanna Pressley | MA 07  
Boston City Councilor Andrea J. Campbell, District 4  
Hon. Nancy Gertner, Judge, US D. Mass. (Ret.)  
Hon. Geraldine S. Hines, Justice, SJC (Ret.)  
Hon. Jay Blitzman, Retired

### **Public Policy and Education**

Charles Hamilton Houston Institute for Race and Justice at Harvard Law School  
Center for Women's Health and Human Rights

Prison Policy Initiative  
Harvard Student Human Rights Collaborative  
Racial Equity Task Force of Amherst

**Law Firms**

Ramirez and Sunnerberg, LLC  
PiltserCowan Law LLC  
Goldstein and Feuer

**Individual Signatories\***

Joel Thompson, Managing Attorney, Harvard Prison Legal Assistance Project\*  
William August, Esq., Epstein & August, LLP  
John Reinstein, Esq.  
Vira Douangmany Cage, Chair, MA Asian American Commission\*  
Dean Stevens, Musician, Court Interpreter

\*Institutional affiliation is provided for identification purposes only and does not constitute institutional endorsement.