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MASS. DEPT OF
TELECOMMUNICATIONS & CABLE

July ___ 2012

Commissioner Geoffrey Why
Massachusetts Department of Telecommunications and Cable
1000 Washington Street
Suite 120
Boston, MA 02118-6500

Re: **DTC 11-16, Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such calls.**

Dear Commissioner Why:

As a broad range of groups and individuals, we stand united in urging you to lower the exorbitant cost of prison telephone calls and address pervasive quality of service problems in the Commonwealth's correctional facilities. The current practice places a tremendous financial burden on the families of prisoners, many of whom come from difficult economic circumstances.

The telephone is a lifeline for prisoners and their loved ones. Most prisons and jails are far from public transportation and far from urban centers, while the families of prisoners largely reside in urban communities, and do not have cars or the means to visit their loved ones in prison. The telephone is often the only way that a prisoner can sustain a relationship with his or her child, spouse or parent. Research overwhelmingly demonstrates that family contact during incarceration is a major factor in determining whether prisoners succeed on release.[1] Studies reviewed by the Department of Justice also show that "telephone usage and other contacts with family contribute to inmate morale, better staff-inmate interactions, and more connection to the community, which in turn has made them less likely to return to prison."[2]

The high cost of prison phone calls makes it difficult or impossible for many prisoners and their family members to sustain these all-important ties. In many Massachusetts counties, prisoners must pay $3.00 or more just to place an in-state call, plus 10 cents per minute, so that a single 15 minute call costs about $4.50, *not* including other fees tagged on by the phone companies. Family members often face the agonizing choice of paying for phone calls versus paying for food or utility bills.

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[1] A 2003 review of ten studies from the 1980s and 1990s concluded that each study "found that stronger ties between inmates and families and close friends during incarceration led to better postrelease outcomes. Prisoners who experienced more family contact... experienced lower recidivism rates and greater postrelease success." Christy A. Visher & Jeremy Travis, *Transitions From Prison to Community: Understanding Individual Pathways*, Annual Review of Sociology 89, 100 (2003).

[2] U.S. Department of Justice, Office of the Inspector General, *Criminal Calls: A Review of the Bureau of Prisons' Management of Inmate Telephone Privileges*, Ch. II, n.6 (Aug. 1999).

These high telephone rates are not only harmful, they are unjust and unreasonable. Despite the fact that technology has significantly lowered the cost of telephone service in recent years, telephone rates in correctional facilities have remained high with telephone companies enjoying a virtually unfettered monopoly. Furthermore, much of the revenue from prison calls goes toward "commissions" paid to correctional facilities. These commissions are unrelated to the cost of providing telephone services, yet in order to win contracts, telephone companies compete by offering higher commissions. Commissions make up over half of the cost of phone calls in many counties, and over a third of the price of calls in the Department of Correction. In county facilities the commissions are used to pay for things like uniforms or prison programs, and in the DOC they are funneled into the Commonwealth's general fund. Prisoners' family members, often with few economic resources, are being asked to subsidize the necessary rehabilitative services their loved ones receive in prison.

It is time to stop asking prisoners and their families to pad correctional budgets and the profits of the telephone companies. We urge the DTC to take a close look at the actual costs incurred by prison telephone service providers, and to cap rates at a level providing a reasonable profit but not more. All telephone calls in New York State prisons cost less than five cents a minute, with no surcharge. Clearly Massachusetts rates are not in line with the true cost of providing service.

Finally, prison telephone customers endure service problems such as terrible connections, recordings that repeat so frequently they unreasonably eat into calling time, and dropped calls, meaning the caller must pay the surcharge ($3.00 or more in most counties) to re-connect. Family members report difficulty getting itemized bills and addressing billing problems. We urge the DTC to investigate the quality of service provided by prison telephone companies and to address these problems.

By ensuring just and reasonable telephone rates for prisoners and decent service, the DTC will fulfill its own mandate. It will help families maintain all-important bonds. And it will help ensure that prisoners return to society better prepared to succeed, which is vital to keeping the communities they return to safe and productive.

Respectfully,

Arthur A. Benderey

PARTAKERS, INC

DIRECTOR