

EDITORIAL

In prison, phone calls home aren't a frill. They're as important as food and clothes.

Sheriffs shouldn't balance their budgets with onerous fees. Lawmakers can right that wrong.

By [The Editorial Board](#) Updated May 20, 2022, 4:00 a.m.



County sheriffs and the state Department of Correction contract with a private telecom provider for inmate phone service, but the rates are actually paid by those on the receiving end of the phone calls — usually families, who pay an average of about 14 cents a minute. DAVID PAUL MORRIS/PHOTOGRAPHER: DAVID PAUL MORRIS/

The state's highest court made clear this week that there's nothing to prevent county sheriffs from continuing to charge often usurious rates for the phone calls that provide inmates their lifeline to

the outside world — to family, friends, and even lawyers.

[That decision](#), by the Supreme Judicial Court, ups the ante on legislative efforts to see that this most vital service, critical to any inmate's reentry into the community, is treated with the seriousness it deserves — and, like food and clothing, is provided free of charge.

Under the current system, county sheriffs and the state Department of Correction are contracted with a private telecom provider — [Securus](#) is the firm of choice for both the state and all but two Massachusetts counties — but the rates are actually paid by those on the receiving end of the phone calls. So it's most often families who bear the burden of the calls, which average about 14 cents a minute.

However, [as recently as 2018](#), prisoners housed in Bristol County — the subject of the lawsuit before the SJC — were charged as much as \$3.16 for the first minute and 16 cents a minute thereafter.

[The suit](#) — filed against Bristol County Sheriff Thomas Hodgson by a collection of former inmates, several attorneys (who also are forced to pay those phone bills), and a family member of a former inmate, represented by Prisoners' Legal Services — charged that the sheriff had no authority under state law to “extract unlawful fees” in the form of those “inflated” phone charges. An [amicus brief](#) filed by the American Civil Liberties Union of Massachusetts called the agreements and the commissions they generated for the sheriff's office “legalized kickbacks.”

In 2009, when legislation was passed completing the state's takeover of county government, the duties and responsibilities of those county sheriffs were clarified, including the right to profit from those inmate phone calls.

“Had the Legislature intended to put an end to the sheriff's practice of collecting inmate telephone revenues, it could have done so,” Chief Justice Kimberly Budd wrote in [the opinion](#), issued Tuesday. Instead, the 2009 statute “expressly provides that the sheriff may continue to retain inmate telephone revenues even after the transfer of the sheriff's office to the Commonwealth.”

That might have been just fine with lawmakers back in 2009, but the COVID-19 pandemic, which curtailed in-person prison visits, made clear how important those lines of communication were. The [Massachusetts Sheriffs' Association](#) responded last summer by agreeing to allow 10 free minutes of calling time per week to each inmate and to assure a top rate of 14 cents per minute.

At the same time, [Connecticut](#) became the first state in the nation to make all inmate calls free. Around the country, localities like New York City implemented free calls in 2019, and San Diego County began offering free calls (limited to 15 minutes each) last summer.

The Massachusetts House, as part of its fiscal 2023 budget, mandates that the state Department of Correction, county sheriffs, and the Department of Youth Services all provide phone services free of charge. House budget analysts found that calls, video, and electronic communications currently cost those incarcerated and their families some \$14.4 million a year.

The House proposes setting up a Communications Access Trust fund with initial funding of \$20 million to cover the potential revenue loss to DOC and the sheriffs.

Next week the Senate is scheduled to debate its budget plan, and Senator Cynthia Creem has filed [an amendment](#) that would also offer free calling from state and county prisons beginning July 1, 2023. The amendment does not use the trust fund device or propose additional funding, but its passage would certainly provide momentum as the two budgets move into the inevitable conference committee for negotiating differences between their spending priorities.

Onerous fees for a basic necessity like communications do nothing to protect public safety, and in fact make rebuilding life after prison harder if they cause inmates' social and family connections to fray. The fees are simply an unnecessary and counterproductive burden, one that should be lifted by lawmakers this year.

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