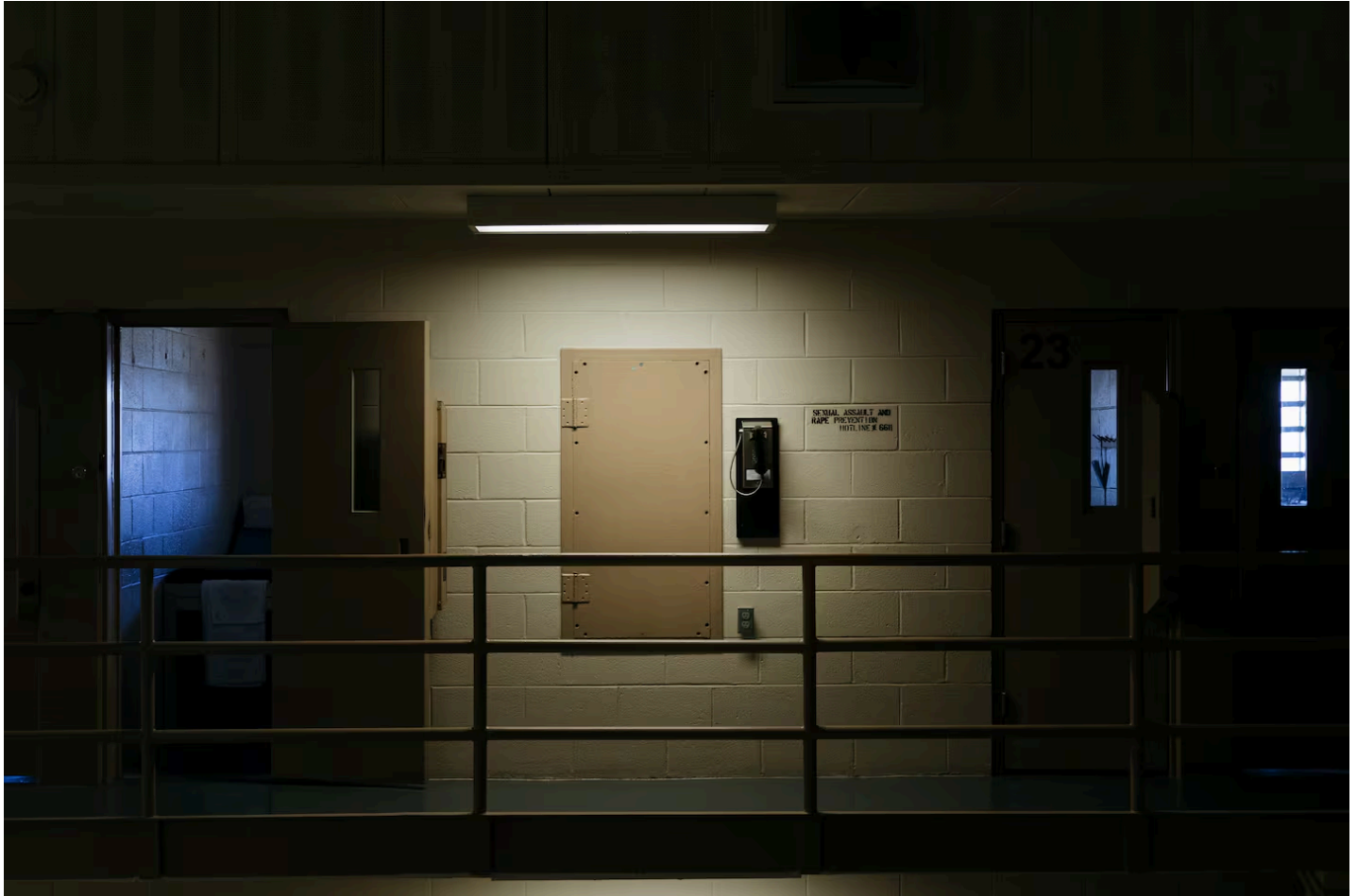


Healey is pushing a plan to make calls free in Massachusetts state prisons — with limits

By **Matt Stout** Globe Staff, Updated March 7, 2023, 7:17 p.m.



Currently in Massachusetts, those incarcerated and their families are charged anywhere from 12 cents a minute for in-state calls in state prison facilities to 14 cents in most county jails, data show. ANNIE FLANAGAN/NYT

Advocates who have long pushed to make phone calls free for the state's incarcerated people appeared to have scored something highly unusual so early in Beacon Hill's new legislative session: a seeming glide path to their priority becoming law.

Under Governor Maura Healey's new budget plan, Massachusetts would become the third state in the country to provide calls in state prisons at no cost. Her pitch follows a similar proposal that

both legislative chambers embraced, but couldn't finalize, last year to shift the financial burden off those serving sentences and their families.

But in reviving the issue, Healey would also set a monthly 1,000-minute cap for free calls per person, making it one of the most restrictive such programs among those adopted across the country. She is also seeking to limit the change to the Department of Correction.

Should that pass, it means county jails and houses of correction — which hold more than half of the state's incarcerated population and typically charge higher phone rates than state prisons — would not be required to offer no-cost calls.

The proposed parameters surprised some prison rights advocates who, while praising Healey for elevating the issue, are simultaneously urging lawmakers to go much further in overhauling a system in which public entities have long profited off a vulnerable population.

“Why would you leave more than half of the people behind?” said Rachel Roth, a member of the Keeping Families Connected/No Cost Calls Coalition. There are 5,308 people in Department of Correction facilities, according to [state data](#), but even more — 6,029 — are in county facilities.

“It's a burden on families, no matter what, and any amount of time in jail or prison is very, very challenging,” she said. “We regard this [proposal] as just a first step.”

Currently, those incarcerated and their families are charged anywhere from 12 cents a minute for in-state calls at state facilities to 14 cents at most county jails, according to state and county data compiled by Karina Wilkinson for the coalition.

The state and sheriff departments then earn commissions that officials say are funneled back into programming, such as for GED testing or vocational workshops. The Department of Correction alone collects \$2.5 million a year in commissions.

The state last year set aside \$20 million to cover the costs of providing the calls for free, in case the legislative proposal became law.

But at roughly \$2 for a 15-minute call, the current costs not only quickly add up for families, advocates argue, but also the expense falls disproportionately on people of color in what amounts to a subsidy for jails and prisons. Black and Latino people alone account for 54 percent of the state's prison population.

Romilda Pereira, the founder of an organization that works with formerly incarcerated people, said she spends more than \$400 a month on prison calls, both to connect her 16-year-old daughter with her father, who is incarcerated, and to speak with those who need help finding reentry services.

“In most cases, you need a part-time job just to pay for phone calls and commissary to help support your loved ones,” said Pereira, whose organization is called Project Turnaround. How often someone incarcerated uses the phone can vary widely, she said, but many are not just trying to connect with family but also their lawyers. “The minutes can go up really fast.”



Governor Maura Healey, speaking to reporters at the State House last week after unveiling her first budget proposal. JESSICA RINALDI/GLOBE STAFF

Healey has supported no-cost calls because, she said, she understands “the importance of helping build those connections between those who are incarcerated and family.” She told reporters last week that she included only state facilities — and the 1,000-minute cap — because she thought it best to “deal with the entities within our control” given the existing funding available.

“We think it’s probably about right,” Healey said. “We’ll see.”

A more expansive proposal was on the cusp of becoming law last year. The House and Senate each approved language within the annual state budget that would have required both the Department of Correction and county sheriffs to provide phone calls free of charge, with no limits.

But then-governor Charlie Baker sent the measure back to the Legislature, weaving in elements of a separate proposal to expand the list of crimes for which someone could be held for under the state's so-called dangerousness statute.

That ultimately set up the free call proposal's demise. The chambers disagreed on how to handle Baker's changes — the House rejected them and the Senate adopted them in the waning hours of its final formal session — leaving the entire measure in limbo as the legislative session ended.

"There were people in the Senate who took a vote that was going to kill this without realizing it," said Senate majority leader Cynthia S. Creem, who has sponsored legislation making calls free.

Yet, in an unusual twist, other elements survived. Language creating the trust fund to cover the cost of calls remains in law, as does the \$20 million the Legislature already set aside. House officials last year estimated that those in jails and prison, as well as their families, were paying roughly \$14 million a year for calls.

"The governor is smart enough to know we can do all this, without limiting access," said Bonnie Tenneriello, senior attorney at Prisoners' Legal Services of Massachusetts, who is bullish on a bill passing in some form. "[Lawmakers] have already done it, they will do it, and now, of course, we have a governor with a very different mindset."

County sheriffs, who oversee the county houses of correction and jails, have argued that the state would likely need to spend more to cover what the facilities currently collect, should jails also be included.

Hampden County Sheriff Nicholas Cocchi said those in his county facilities pay 12 cents per minute — the lowest in the state — with the department collecting roughly \$800,000 from calls each year. The department, he said, puts that money back into programs and to cover other costs, such as the \$125,000 it pays the Pioneer Valley Transportation Authority to weave a bus route to the Ludlow jail, giving families a direct line to the facility.

“We’re not opposed to [no-cost calls]. But there should be a discussion,” said Cocchi, a Ludlow Democrat and the president of the Massachusetts Sheriffs’ Association. “It’s not as simple as saying, ‘Every inmate gets 33 minutes a day. Go figure it out.’ That’s a big lift.”

Some advocates are also receptive to building in parameters. Michael Cox, executive director of the advocacy group Black and Pink Massachusetts, called the 1,000-limit “more than sufficient.” His fear, he said, was allowing the sheriffs or Department of Correction leeway in setting their own rules for implementing a program, potentially limiting access even further than what Healey is proposing.

“I’m afraid they would do something terrible,” he said.

In Connecticut, where lawmakers in 2021 were the first to make calls free in prison, the law built in not a limit, but a floor, saying each person is allowed at least 90 minutes of call time per day. In the months after the law went into effect last year, the number of calls [more than doubled](#), as did the time people spent on the phone.

California followed with its own law, also without setting a monthly cap, though the [Department of Corrections and Rehabilitation](#) said there is a 15-minute limit on each call.

Several counties nationwide have also adopted a no-cost calls policy, but none put any restrictions on how many minutes people can use, said Bianca Tylek, executive director of Worth Rises, a criminal justice advocacy group that’s pressed for the change across the country.

To now pursue a cap, “we don’t think that’s a prudent measure,” she said. “We really appreciate that the governor has included this. We know she has supported this type of policy. But we think the language as written does need to be improved.”

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