

2024.02.09 - MD Impact Stories.pdf

Uploaded by: Alyssa Ackbar

Position: FAV

MARYLAND FAMILIES ON THE COST OF PRISON



"I have two children who love and care for their father as I do. To keep them connected is costly. I add money on the phone weekly to keep my family in touch, but at times I have to say no, and that hurts. I say no because I am a single mother, and I am unable to take care of them while also paying for calls" - **Deja Johnson, wife of a currently incarcerated loved one**

"My mother was an elderly woman on a fixed income and could not afford to pay for phone calls at the time. My mother was dying of cancer, and I was unable to speak to her before she passed away due to the phone system and not wanting to be a burden on my family." - **Albert Brown, a formerly incarcerated loved one**

"Communication is an essential lifeline to families and friends of people in prison. If I could pay less to support my son while he's in prison, it means I might be able to do a little bit more for his children on the outside." - **Michele Kennedy-Kouadio, mother of a currently incarcerated loved one**

"It seems like you're being punished with every single call that comes through like someone is making it hard." - **Penni and Alan Barnett, parents of a formerly incarcerated loved one**

"My little brother is also incarcerated. Financially, my mother must make a choice at times of who she is going to talk to, and whether she can talk with any of us at all." - **Jerome Collier, a currently incarcerated loved one**

"Many times, I have been unable to call home and check on my family members. My mother has been diagnosed with early signs of dementia, and my father is the primary caretaker. He has a limited income and is unable to keep money on the phone." - **Corey Downs, a currently incarcerated loved one**

HELP CONNECT FAMILIES

2024.03.04 - Fact Sheet.pdf

Uploaded by: Alyssa Ackbar

Position: FAV

VOTE TO CONNECT MARYLAND FAMILIES



WHAT WILL SB 948 AND HB 1366 DO?

- Allow Maryland residents to communicate with their incarcerated loved ones in state correctional facilities at no cost
- Protect in-person visits for Maryland residents with incarcerated loved ones

Sen. Waldstreicher
Del. Roberson

“Many times, I have been unable to call home and check on my family members. My mother has been diagnosed with early signs of dementia, and my father is the primary caretaker. He has a limited income and is unable to keep money on the phone.”

- Corey Downs, a currently incarcerated loved one

\$12.3 M → **\$3.0 M**

Annual spending by families on communication

MD DPSCS charges \$0.03 per minute to speak with an incarcerated loved one, or \$0.45 for a 15-minute phone call.

Annual cost to state of making communication free

Providing free communication in prisons is **cost-effective program that promotes rehabilitation** and becoming increasingly so with innovative models being pioneered across the nation.

SUPPORT CONNECTING FAMILIES BECAUSE...

- **1 in 3 families with an incarcerated loved one goes into debt** trying to pay predatory prison telecom vendors to maintain contact and 87% of the financial burden is borne by women.
- Every child deserves to hear “I love you” from their parent. Communication **mitigates the trauma suffered by the 1 in 28 children whose parents are incarcerated.**
- Communication with loved ones disrupts the toxicity of prisons and creates hope. When supported, incarcerated people are more committed to their own success and engaged in rehabilitative behaviors, which **decreases incidents in facilities and reduces recidivism, making officers and us all safer.**
- **No program is more accessible and effective at improving reentry success** than communication that strengthens relationships between incarcerated people and their support networks.
- The positive social and fiscal benefits associated with communication significantly outweigh its costs.



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



United Church of Christ
Media Justice Ministry



MARYLAND OFFICE OF THE
PUBLIC DEFENDER



Contact Alyssa Ackbar (aackbar@worthrises.org) with questions.

2024.03.04 - MD Coalition Letter.pdf

Uploaded by: Alyssa Ackbar

Position: FAV



January 9th, 2024

Maryland General Assembly
90 State Circle
Annapolis, MD 21401

Re: The Connecting Families Coalition urges the Maryland legislature to make prison and jail communications free in the 2024 legislative session.

Dear Maryland General Assembly members,

Recent data has shown what is glaringly obvious to incarcerated people and their families — consistent family contact positively impacts the health and wellness of incarcerated people, their families, and safety more broadly.¹ Free prison and jail communications reduces recidivism rates, improves parent-child relationships, improves mental and emotional health outcomes, and more.

Yet, in Maryland, incarcerated people are currently charged 45 cents for a 15-minute phone call at state-run facilities or up to \$3.15 at some local facilities.² If they are working, incarcerated people can make as little as 30 cents an hour. This means that often families must shoulder the burden of paying for communication, and many are forced to go into debt or cut ties altogether when they can no longer bear it.

We write to you as the **Connecting Families Coalition of Maryland**, a coalition of local, state, and national advocacy organizations, along with concerned and directly impacted community members, urge the Maryland General Assembly to make prison and jail communications free during the 2024 legislative session. We ask you as our representatives to take a stand and end the exploitation of the basic needs of families to stay connected.

For years, thousands of Maryland families have struggled to afford to stay connected with their incarcerated loved ones without being trapped in a cycle of debt and poverty. In fact, about 65 percent of families with an incarcerated loved one struggle to meet basic housing and food needs.³ One in three families goes into debt just to stay in touch with a loved one behind bars, and women — largely Black and brown women — carry 87 percent of the burden.⁴ **Families should not have to choose between paying for meals, utility bills, car notes, or rent and paying for a phone call to their loved one.**

Moreover, having support from loved ones is an essential human need and vital for social success. When

¹ Leah Wang. “Research roundup: The positive impacts of family contact for incarcerated people and their families,” Prison Policy Initiatives (2021), https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

² “Prison & Jail Telecom Data,” Worth Rises (2022), <https://connectfamiliesnow.com/data>

³ *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (2015), <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families>

⁴ *Id.*

incarcerated people stay connected to their support networks, they are able to play an active role in their own rehabilitation. They are also better able to plan for release, increasing their likelihood of reentering successfully and enhancing public safety.⁵ The positive impacts are similar for families: Children do better at home and at school when they are able to maintain relationships with their parents in prison.⁶

Since 2021, California, Colorado, Connecticut, Massachusetts, and Minnesota have passed legislation making prison and jail communications free. Many major counties and cities have done the same in their jails, including Los Angeles, Miami, New York City, San Diego, and San Francisco. As a result, correctional environments have improved, critical familial and social connections have been reestablished and strengthened, and people are being released with strong social and emotional support systems. Today, another dozen states are considering similar policies for the 2024 legislative cycle. **Maryland’s legislators must prioritize this important family, economic, racial, gender, and criminal justice intervention, which would promote public safety, strengthen communities, and provide relief for thousands of incarcerated people and families in the state.**

We ask you to make our communities safer while also protecting some of Maryland’s most marginalized families. Those struggling to support their loved ones behind bars, who cannot share or hear comforting words without threatening their own financial stability, deserve your action and commitment to this policy. We urge you to stand with our coalition in the 2024 legislative session by supporting and advancing legislation that removes the financial burden of communications with an incarcerated loved one in Maryland.

Sincerely,

ACLU of MD

Center for Criminal Justice Reform, University of Baltimore School of Law

Civil Rights Corps

Fines and Fees Justice Center

Interfaith Action for Human Rights

Job Opportunities Task Force

Life After Release

Maryland Alliance for Justice Reform

Maryland Office of the Public Defender

Maryland Reentry Resource Center

Public Justice Center

United Church of Christ Media Justice Ministry

Worth Rises

⁵ Leah Wang. “Research roundup: The positive impacts of family contact for incarcerated people and their families,” Prison Policy Initiatives (2021), https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

⁶ *Id.*

Worth Rises Testimony.pdf

Uploaded by: Alyssa Ackbar

Position: FAV

My name is Alyssa Ackbar, and I am a Policy Campaign Associate at Worth Rises, a national non-profit dedicated to ending the exploitation of people impacted by incarceration. We have helped jurisdictions across the country pass and implement policies that make communication free for incarcerated people and their support networks, including in Connecticut, California, Minnesota, Massachusetts, and Colorado. With this legislation, Maryland has the opportunity to join these other states in providing overdue relief to millions of families with incarcerated loved ones, by simply making communication free.

Maryland families currently pay the state’s prison telecom vendor, Global Tel Link, an estimated \$12.3 million each year to speak to their incarcerated loved ones. Families are often forced to choose between paying for basic necessities, housing, and food and paying to hear the voices of their incarcerated loved ones. In fact, one in three families with an incarcerated loved one goes into debt trying to stay connected, and 87% of those bearing this enormous financial burden are women.^[1]

Family support can change how successful a person is both during and after their incarceration. It increases hope, reduces desperation, and encourages positive behavior, which in turn reduces violence and improves the correctional environment for incarcerated people and correctional officers alike.

Further, incarcerated people who maintain connection with their family and community during their incarceration have a better chance at successfully reentering the community upon release. With their families help, they are more likely to secure housing and employment and generally have transition support. This increased success also translates into lower recidivism and increased public safety.^[4]

Based on our work across the country, we estimate that providing free phone calls to incarcerated people and their loved ones will save Maryland families \$12.3 million annually, and cost the state \$3.0 million per year. This fiscal assessment assumes that Maryland is able to secure similar rates to other states that have prioritized low costs, or specifically one cent per minute, as charged roughly in Illinois and New Hampshire. At current phone call volumes, which are not expected to change given current usage, providing free phone calls to Maryland families would cost the state \$3.0 million per year.

We urge the committee to vote yes on SB 948 and provide this necessary relief to Maryland’s communities.

Written Testimony HB1366 '24.pdf

Uploaded by: Arianna Evans

Position: FAV

My name is Qiana Johnson, and I am the Executive Director of Life After Release. Today, I want to speak to you about an issue that is deeply personal to me and families across this state - the impact of incarceration on families, particularly children.

Having experienced incarceration myself, I understand firsthand the importance of maintaining connections with loved ones behind bars. During my three-year incarceration, my two sons were still in school. For me, as a mother, it was crucial to stay in communication with them despite the barriers of incarceration.

Research underscores the profound trauma experienced by children who are separated from their incarcerated parents. It's a trauma that often goes unexpressed, but it lingers, affecting their emotional and psychological well-being. Shockingly, statistics reveal that Black children are six times more likely to have an incarcerated parent, amplifying the disparities and injustices within our criminal legal system.

But staying connected comes with a price tag - a price that many families simply cannot afford. Legal fees, fines, prison visits, commissary expenses, and perhaps one of the highest costs, the cost of phone calls and video calls from jail. These financial burdens only serve to deepen the divide between incarcerated individuals and their families, adding on to the already significant challenges they face.

That's why I stand here today to urge the Judiciary Committee and the Maryland General Assembly to support legislation like HB1366. This bill, if passed, would eliminate the cost of jail phone calls, a crucial step in reconnecting families torn apart by incarceration.

Let's imagine the impact of this legislation - children being able to hear their parents' voices without the barrier of financial strain, mothers being able to comfort their babies with a simple phone call, families being able to maintain a bit of normalcy amidst the trauma of incarceration.

The time for change is now. We cannot continue to allow financial barriers to dictate the strength of familial bonds. We cannot turn a blind eye to the suffering of children with incarcerated parents. It is our duty, as legislators, as mothers, as organizers, as human beings, to take action.

So, I implore you, vote to advance HB1366. Stand with us in ensuring that no family is left behind, that no child suffers in silence, and that the bonds of love and support transcend the confines of prison walls.

Free Them All, Peace

SB0948_ HB1366 Testimony.pdf

Uploaded by: Cassidy Kristal-Cohen

Position: FAV



March 5, 2024

BILL: HB1366: State Correctional Facilities - Incarcerated Individuals - Costs of Telephone Communications

POSITION: Favorable

Honorable Members of the House Judiciary Committee:

I am a resident of MD Legislative District 40 and a Litigation Support Fellow at Civil Right Corps, writing to respectfully request that the Committee issue a favorable report on Senate Bill 0948/ House Bill 1366.

Civil Rights Corps is a non-profit organization dedicated to challenging systemic injustice in the United States' legal system. While our office is based in Washington, D.C., we bring cases related to the legal system and the criminalization of poverty, in Maryland and beyond.

When a person is incarcerated, they are not just removed from communities of care—their loved ones, “hidden victims” who depend upon them, are also disconnected and punished. Children are left without a parent to pick them up from school, help with homework, or provide knowing counsel. Families lose an often critical source of income and material support. Studies show that incarceration “disrupts parent-child relationships, alters the networks of familial support, and places new burdens on governmental services such as schools, foster care, adoption agencies, and youth-serving organizations.”¹

We ask that the Committee lift **one burden** off the backs of Maryland families impacted by incarceration and make all communication services free for Marylanders in prison.

An investment in free communications now is an investment in Maryland's future and will save taxpayer dollars down the line.

While the cost of making calls in prison may seem feasible to you or I, 65% of families with an incarcerated loved one struggle to meet basic housing and food needs, and one

¹ Travis, Jeremy, Cincotta McBride, Elizabeth, and Soloman, Amy L. *Families Left Behind: The Hidden Costs of Incarceration and Reentry*, Urban Institute Justice Policy Center (2003), <https://www.urban.org/sites/default/files/publication/50461/310882-Families-Left-Behind.PDF>

in three families go into debt simply attempting to stay in contact with their family member inside.²

When people in prison have frequent contact with their loved ones, they remain healthier behind bars, better maintain familial relationships, and have greater medical and mental health outcomes once released.³ I've seen this firsthand—in working with people in prison in Maryland and New York—phones are a lifeline that keep people connected to who they were outside and who they want to be once released. Astoundingly, consistent phone calls greatly lower the chance that someone will return to prison in the future.⁴

In the long term, making communications free will result in less Maryland residents behind bars and less state resources needed to keep people in cages. This means we can focus on generative policies that keep our communities safe—like robust support for mental health care and substance abuse users, fully-funded schools, and a clean environment.

We ask that Maryland follow the lead of California, Colorado, Connecticut, Massachusetts, and Minnesota and pass HB1366 making prison communications free.

For more information, please contact: Cassidy Kristal-Cohen, Litigation Support Fellow, cassidy@civilrightscorps.org

² *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, *Forward Together*, Research Action Design (2015),

<https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families>

³ Wang, Leah. *Research roundup: The positive impacts of family contact for incarcerated people and their families*, Prison Policy Initiatives (2021), https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

⁴ *Id.*

HB 1366 CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 1366

State Correctional Facilities - Incarcerated Individuals - Costs of Telephone Communications

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: March 5, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center submits this written testimony in strong support of House Bill 1366.

This important bill will eliminate the cost of telephone calls for incarcerated individuals in state correctional facilities and their families, ensure these individuals are able to maintain contact with their loved ones, and promote fair access to communication services in Maryland’s correctional facilities.

The Center urges a favorable report on House Bill 1366 for three primary reasons. First, House Bill 1366 will reduce recidivism and promote public safety. Second, House Bill 1366 will afford incarcerated individuals and their already burdened loved ones with a more viable means of continued communication. Third, by increasing access to communications and supportive community ties, House Bill 1366 will improve conditions in Maryland correctional facilities for both incarcerated people and the correctional workforce, thereby promoting much-needed retention for staff and maintaining critical programming.

I. Communication strengthens connections between incarcerated people and their support networks, thereby improving public safety.

Research shows that communication between incarcerated people, their families, and support networks leads to myriad benefits.¹ First, social ties, strengthened by continued communication, have been found to support increased parole success rates and decreased recidivism.² These

¹ Leah Wong, *Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and Their Families*, PRISON POLICY INITIATIVE (Dec. 21, 2021), https://www.prisonpolicy.org/blog/2021/12/21/family_contact/.

² Kelle Barrick et al., *Reentering Women: The Impact of Social Ties on Long-Term Recidivism*, 94 PRISON J. 279, 283 (2014); see also Rebecca L. Naser & Christy A. Visher, *Family Members’ Experiences with Incarceration and Reentry*, W. CRIMINOLOGY REV., Aug. 2006, at 21 (citing multiple studies that illustrate a “remarkably consistent association . . . between family contact during incarceration and lower recidivism rates”).

findings remain true even among individuals categorized as “high-risk.”³ Decreased recidivism rates will make the public safer. Second, House Bill 1366 supports public safety in another key respect: by reducing violence and disorder within correctional facilities. One study found that phone calls from children to their incarcerated parents reduce rule violations by the incarcerated individuals during incarceration.⁴ Strengthening communication and connections between incarcerated people and their loved ones will reduce anti-social behavior, improve conditions of confinement, and otherwise promote human dignity behind the walls and will serve to improve safety both inside institutions and in the communities to which formerly incarcerated people return.

II. The high costs of communication put an immense burden on low-income families.

Though DPSCS has made great strides recently in offering tablets and other means of communicating with families, talking on the telephone remains the most common way for incarcerated individuals to stay in touch with loved ones.⁵ Currently, however, costs for such communications are a significant barrier. Indeed, from January through August 2022, telephone calls made by incarcerated individuals resulted in \$746,399 in costs for incarcerated individuals and their families.⁶ Based on population figures from June 2022, this amounted to \$18.77 a month per individual.⁷ A study surveying fourteen states examined the burdens of these communication costs borne by an incarcerated person’s loved ones.⁸ This study found that a staggering number of families—1 in 3—went into debt in order to cover the costs of maintaining contact with their incarcerated loved ones.⁹ Many incarcerated individuals have low-income families¹⁰ that are not well positioned to bear these financial burdens, and the many others experience the traumatizing

³ *Id.* at 284 (describing the demographic of study participants). While the study found that participants who were most likely to recidivate were “younger at the time of their first arrest” and had a greater number of prior charges, greater family contact during incarceration still suggested reduced recidivism. *Id.* at 290, 293.

⁴ Kelle Barrick et al., *Reentering Women: The Impact of Social Ties on Long-Term Recidivism*, 94 PRISON J. 279, 283 (2014).

⁵ *Phone Services*, MD. DEP’T OF PUB. SAFETY & CORR. SERVS., https://www.dpscs.state.md.us/inmateservs/phone_services.shtml (last visited Feb. 27, 2024).

⁶ MD. DIV. OF PUB. SAFETY & CORR. SERVS., OPERATIONS ANNUAL REPORT FY 2022, at 19 (2022), [https://dlslibrary.state.md.us/publications/Exec/DPSCS/DOC/COR3-207\(d\)_2022.pdf](https://dlslibrary.state.md.us/publications/Exec/DPSCS/DOC/COR3-207(d)_2022.pdf).

⁷ ANALYSIS OF FY 2025 BUDGET, *supra* note 7, at 21. While the Center strongly supports HB 1366 as written, it would also support it if amended to apply to county jails in addition to state correctional facilities. Accordingly, the Center finds it important to note that in some counties, monthly costs to incarcerated individuals and their families are likely higher, as 15-minute phone calls cost as much \$3.15. *Prison Jail Telecom Data: County*, WORTH RISES (Feb. 23, 2024), <https://github.com/WorthRises/PrisonJailTelecomData/blob/main/2024/02-23-24/county.csv> (citing costs as high as \$3.15 for a 15-minute call in Caroline, Carroll, Dorchester, Queen Anne’s, and Worcester counties).

⁸ SANETA DE VUONO-POWELL ET AL., WHO PAYS?: THE TRUE COST OF INCARCERATION ON FAMILIES 30 (2015), <https://static.prisonpolicy.org/scans/who-pays%20Ella%20Baker%20report.pdf>. Survey participants resided in California, Louisiana, Washington, Virginia, Ohio, Florida, Illinois, Michigan, Rhode Island, DC, New Jersey, Kansas, Texas, and New York. *Id.* at 53.

⁹ *Id.* at 30.

¹⁰ All off the five counties with the highest imprisonment rate per 100,000 had poverty rates of over 10% in 2021 with two (Baltimore City and Somerset County) estimated to have over a 20% poverty rate. *See Number of People in Prison in 2020 from Each Maryland County*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/origin/md/2020/county.html> (last visited Feb. 27, 2024); *Household Income*, MD. MANUAL ONLINE: ECONOMY, <https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/income.html> (last visited Feb. 27, 2024).

set of changed life circumstances caused by family separation. Removing this financial burden from incarcerated individuals and their families will make continued telephone communication more viable.

III. Expanded access to communication services will improve conditions within correctional facilities to the benefit of incarcerated people and the correctional workforce alike.

The Department of Public Safety and Correctional Services (“DPSCS” or the “Department”) recognizes that “direct lines of communication with family and friends” lead to “reduced agitation, behavioral issues, and idleness among incarcerated individuals.”¹¹ Increasing access to telephone communications by eliminating associated costs will serve to increase these positive effects and will promote safer working conditions for correctional officers (“COs”), thereby increasing staff retention.

Increasing access to telephone communication will create a safer working environment for COs and volunteers. In turn, this would improve job satisfaction, and promote retention at a time when the state is facing significant challenges due to shortages in the correctional work force. The Department has experienced escalating staffing shortages since 2015.¹² These staffing shortages have led to mandatory overtime and burnout among COs¹³, and have negatively impacted morale and job satisfaction, contributing to reduced CO retention rates.¹⁴ While DPSCS efforts, such as \$5,000 new hire bonuses,¹⁵ have supported the hiring of new COs, the Department reports that more COs are departing DPSCS each year than are being hired.¹⁶ Ultimately, increased CO retention would reduce the need for overtime, which cost Maryland \$185.6 million in 2023,¹⁷ and decrease spending on CO hiring bonuses, which cost \$1.59 million in 2023.¹⁸

Staff shortages compound other problems in the correctional system. These shortages adversely impact numerous programs and services, limiting access to in-person visitation, educational activities, recreation, medical appointments, and delay food preparation.¹⁹ The loss of these critical services have been tied to increased assaults between incarcerated individuals and

¹¹ MD. DIV. OF PUB. SAFETY & CORR. SERVS, ANALYSIS OF THE FY 2025 MARYLAND EXECUTIVE BUDGET 22 (2024), <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf> [hereinafter ANALYSIS OF FY 2025 BUDGET]. While this finding was in relation to the DPSCS’s tablet computer program, an initiative that launched in fiscal year 2023, the tablets are capable of making voice phone calls which cost the same as phone calls from wall phones. *Id.* at 21.

¹² *Id.* at 16.

¹³ *Id.*

¹⁴ *Id.* at 16 (citing “a net loss of COs” in 2023).

¹⁵ *Id.*

¹⁶ MD. DIV. OF PUB. SAFETY & CORR. SERVS, OVERVIEW – Q00: FY 2025 MARYLAND EXECUTIVE BUDGET RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS 6 (2024), <https://dbm.maryland.gov/budget/FY2025Testimony/Q00.pdf> [hereinafter DPSCS RESPONSE].

¹⁷ ANALYSIS OF FY 2025 BUDGET, *supra* note 7, at 15.

¹⁸ MD. DIV. OF PUB. SAFETY & CORR. SERVS, ANALYSIS OF THE FY 2025 MARYLAND EXECUTIVE BUDGET 15 (2024), <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf> [hereinafter ANALYSIS OF FY 2025 BUDGET]; MD. DIV. OF PUB. SAFETY & CORR. SERVS, OVERVIEW – Q00: FY 2025 MARYLAND EXECUTIVE BUDGET RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS 6 (2024), <https://dbm.maryland.gov/budget/FY2025Testimony/Q00.pdf> [hereinafter DPSCS RESPONSE].

¹⁹ *Id.* at 8.

between incarcerated individuals and staff.²⁰ This further threatens the safety and mental health of COs, and makes expanding access to communication services especially critical.

The Center fully supports this important bill as part of a broader set of efforts to improve public safety, promote safe conditions for the correctional work force and incarcerated population, remove barriers to reentry, alleviate financial burdens on impacted families, and reduce rates of reincarceration. For these reasons, we respectfully urge a favorable report on House Bill 1366.

²⁰ ANALYSIS OF FY 2025 BUDGET, *supra* note 7, at 9 exhibit 6, 16.

HB_1366_FAV_Telephone Communications Incarcerated

Uploaded by: Henry Floyd Jr.

Position: FAV



Testimony for the House Judiciary Committee

Thursday, March 7th, 2024

HB 1366 – State Correctional Facilities – Incarcerated

Individuals –

Costs of Telephone Communications

FAVORABLE

HENRY E. FLOYD, JR.
PUBLIC POLICY COUNSEL

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GENERAL COUNSEL

The ACLU of Maryland supports HB 1366, which would provide that State correctional facilities bare the payment of costs charged by telephone service providers and alleviate the financial burden on incarcerated individuals and their families, ultimately protecting the rights of incarcerated individuals and fostering a positive mindset geared toward successful reentry into society.

Prohibiting incarcerated individuals from communicating with the outside world can violate the First Amendment to the United States Constitution.¹ The United States Supreme Court has ruled that the First Amendment entitles incarcerated individuals to receive and send mail, subject only to the institution's need to protect security, and it also affords the rights of free people to communicate with incarcerated individuals. The exorbitant costs of telephone communications is an issue that lends itself to restrictive policies that harm not only the incarcerated individual, but also their families, friends, and the public. Communication between incarcerated individuals and the outside world permits these individuals to preserve ties with their families and friends, while also allowing the public a means of oversight over these correctional facilities.²

¹ American Civil Liberties Union. (2024). Free Speech in Prison. Retrieved from <https://www.aclu.org/issues/prisoners-rights/civil-liberties-prison/free-speech-prison#:~:text=The%20Supreme%20Court%20has%20made,people%20to%20communicate%20with%20prisoners.>

² *Id.*

Lack of Access Negatively Affects Positive Reentry into Society

Access to telephone services is beneficial for maintaining relationships with communities outside of prison or jail, easing stress, and boosting morale.³ Lack of communication would place incarcerated individuals at a larger disadvantage as they would not receive the positive emotional benefits that other incarcerated individuals receive from telephone access. Such access is important for incarcerated individuals with limited literacy, as alternative communications like sending or receiving letters would be more difficult, and in-person visits can be unfeasible depending on the location of the incarcerated individual and their community.⁴ This would cause them to be even more isolated from their home community, making it harder for reintegration into society after they have served their sentence.⁵

Studies show that when incarcerated individuals stay connected to their support networks, they can play an active role in their own rehabilitation, and they are also better able to plan for release, increasing their likelihood of reentering successfully and enhancing public safety.⁶ Incarcerated individuals whose families cannot afford these communication services are often cut off entirely, with grave consequences for their reentry success and public safety.⁷ Statistics show that about 65 percent of Maryland families struggle to meet basic housing and food needs and are being forced to make the tough decision between providing financially for their family and paying for a telephone call to their loved one who is incarcerated.⁸

Providing Agency-Sponsored Calls to Incarcerated Individuals Free of Charge Eliminates the Mental Strain and Financial Burden of Staying Connected

Jails and prisons often choose their telecom providers based on which company will pay the facility the most money in kickbacks.⁹ As a result, one in three families with an incarcerated loved one falls into debt trying to stay connected and the most impoverished families end up paying higher rates than anyone else to stay

³ Webster, Daniel (2024, January 18). The Cost of Communication: How Jails and Prisons Charged Incarcerated Persons for Phone Use. Georgetown Journal on Poverty Law and Policy. Retrieved from <https://www.law.georgetown.edu/poverty-journal/blog/the-cost-of-communication-how-jails-and-prisons-charge-incarcerated-persons-for-phone-use/>.

⁴ *Id.*

⁵ *Id.*

⁶ Connecting Families Coalition of Maryland. (2024, January 9). The Connecting Families Coalition Urges the Maryland Legislature to Make Prison and Jail Communications Free in the 2024 Legislative Session. Retrieved from <https://connectfamiliesnow.com>.

⁷ Worth Rises. (2024, January). Maryland Prison and Jail Communication Costs. Retrieved from <https://worthrises.org>.

⁸ Connecting Families Coalition of Maryland. (2024, January 9). The Connecting Families Coalition Urges the Maryland Legislature to Make Prison and Jail Communications Free in the 2024 Legislative Session. Retrieved from <https://connectfamiliesnow.com>.

⁹ Wagner, Peter, and Wanda Bertram. (2022, December). State of Phone Justice 2022: The Problem, The Progress, and What's Next. Prison Policy Initiative. Retrieved from https://www.prisonpolicy.org/phones/state_of_phone_justice_2022.html.

connected with their loved ones. In its 2022 report, Prison Policy Initiative offered recommendations for state and local governments that included enacting legislation to provide agency-sponsored calls for people in prisons and jails containing a “technological parity” provision guaranteeing that other communications services, such as video calling and electronic messaging, are also provided for free to prevent the prisons and jails from using these communications services to make up for lost voice calling revenue.¹⁰ States such as Connecticut, Minnesota, and California have already begun providing state sponsored calls to incarcerated individuals, and while the state is responsible for paying for telephone communications, it has a stake in keeping the rates low.¹¹ Preventing telecommunications companies from circumventing state legislation geared toward protecting the rights of incarcerated individuals and its free citizens should be a top priority for the State of Maryland.

Ensuring that one’s right to communication is not reliant on one’s financial situation is an ongoing fight, but HB 1366 is a step in the right direction. For the forgoing reasons, the ACLU of Maryland urges a favorable vote on HB 1366.

¹⁰ *Id.*

¹¹ *Id.*

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free phone service.HB1366.pdf

Uploaded by: Judith Lichtenberg

Position: FAV



MARYLAND ALLIANCE FOR JUSTICE REFORM

Citizens working to reform criminal justice in Maryland



www.MA4JR.org

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Testimony in support of HB1366

State Correctional Facilities - Incarcerated Individuals - Costs of Telephone Communications

My name is Judith Lichtenberg. I am testifying on behalf of the [Maryland Alliance for Justice Reform](http://www.MA4JR.org) (MAJR), where I serve on the executive committee and co-chair its Behind the Walls Workgroup. I have lived in Hyattsville/University Park (District 22) for forty years and am professor emerita of philosophy at Georgetown University. Since 2016, I've been teaching, tutoring, and mentoring at Jessup Correctional Institute, Patuxent Institution, and the DC Jail. I have gotten to know many people behind the walls as my students and have learned much about what goes on there.

Prison telecom corporations charge families with incarcerated loved ones huge fees for a simple phone call. The industry makes large profits and pays hundreds of millions of dollars in "commissions" to prison systems. As a result, one in three families with an incarcerated loved one goes into debt trying to stay connected.

Families should not have to choose between paying rent and paying for calls with their loved ones behind bars. Incarcerated people in close contact with their families and communities are more likely to stay hopeful and to participate and succeed in rehabilitative programs; they're more likely to return successfully to society when released. Expensive phone calls affect not just families, including children of incarcerated parents, but also correctional staff and the public at large.

Some states—California, Connecticut, Colorado, Massachusetts, and Minnesota—have passed laws to make communication free. On behalf of the Maryland Alliance for Justice Reform, I urge you to give a favorable report to HB1366 so that Maryland can join these other states and help prisoners, their families, and our communities.

Respectfully,

Judith Lichtenberg
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Uploaded by: Judith Lichtenberg

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HB 1366 - State Correctional Facilities - Incarcer

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of House Bill 1366

State Correctional Facilities - Incarcerated Individuals - Costs of Telephone Communications

TO: Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee

FROM: Job Opportunities Task Force

DATE: March 7, 2024

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports House Bill 1366, which would prohibit a State correctional facility and a telephone service provider from charging an incarcerated individual or a third party, including the recipient of a telephone call, for an incarcerated individual's use of telephone equipment or telephone services in a State correctional facility.**

Each 15-minute phone call costs a Maryland inmate approximately 48 cents. The minimum wage for unskilled positions with Maryland Correctional Enterprises is \$2.16 per day. This means that incarcerated individuals can use up to a fourth of their daily paycheck on a mere 30-minute phone call. Considering these factors, the struggles that arise from this system should not be surprising. Of course public safety is a concern when children are unable to keep in consistent contact with an incarcerated parent because communication is too expensive, and thus have psychological trauma and run afoul of the law as a result. Of course recently returning citizens struggle with homelessness and employment when they were unable to keep in consistent contact with their support systems outside the wall and strategize prior to their release because communication is too expensive. Of course the chances of successfully reintegrating into society plummet when an incarcerated person develops mental health issues from their experience and is unable to get support from their loved ones because communication is too expensive. The inability for incarcerated people to speak with the people who care about them directly correlates with the likelihood of negative outcomes post-release.

House Bill 1366 would address this by taking the financial burden of phone calls in a correctional facility away from the incarcerated individual. Making a person choose between a meager amount of conversation with a partner, sibling, child, or parent or saving the literal cents that they so desperately need because of the below poverty wages they earn is cruel. If public safety is of a concern for Marylanders, deconstructing policies that actively sever one's tether to their humanity is a good place to start.

For these reasons, JOTF supports House Bill 1366 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

HB 1366 - PJC - FAV.pdf

Uploaded by: Lucy Zhou

Position: FAV



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HB 1366: State Correctional Facilities – Incarcerated Individuals – Costs of Telephone Communications

Hearing of the House Judiciary Committee, March 7, 2024

Position: Favorable

The Public Justice Center (“PJC”) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from systems of oppression, exploitation, and all expressions of discrimination. The PJC **supports HB 1366**, which would make telephone communications free for individuals incarcerated in State correctional facilities.

Currently, in State-run facilities across Maryland, incarcerated people are charged 45 cents for a 15-minute phone call.¹ These costs can add up quickly and make phone calls unaffordable, especially because incarcerated people who work may earn only as little as 17 cents per hour.² When incarcerated individuals cannot afford telephone calls, they are often forced to rely on their families and loved ones to shoulder these costs.

These costs, moreover, are not borne equitably. Because the criminal legal system disproportionately targets communities of color, these communities bear the brunt of these costs, and Black and Latina women in particular pay for 87% of the cost associated with connecting with their incarcerated loved ones.³

The benefits to making telephone communications free and accessible for incarcerated Marylanders are significant, including:

- **Reducing the likelihood of recidivism:** Communication with loved ones on the outside strengthens relationships and social support networks, better ensuring that incarcerated people can successfully reenter their communities upon release. Studies show that incarcerated

¹ Prison & Jail Telecom Data, Worth Rises (2022), <https://connectfamiliesnow.com/data>.

² Alison Knezevich, “Thousands of Maryland inmates work in prison. A new law shows us how much they’re paid.” Baltimore Sun (Jan. 2, 2020), <https://www.baltimoresun.com/2020/01/02/thousands-of-maryland-inmates-work-in-prison-a-new-law-shows-us-how-much-theyre-paid/>.

³ *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (2015), <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families>.

individuals who have more consistent communication with loved ones were less likely to be reincarcerated within the 5 years after their release.⁴

- **Improving mental health and well-being of incarcerated people:** Consistent contact with family members and loved ones has also been shown to reduce anxiety and depression among incarcerated people.⁵ The rate of violent incidents in prisons also declines, making the carceral environment less dangerous for incarcerated individuals and correctional staff alike.⁶
- **Improving parent-child relationships:** Consistent contact with their incarcerated parents improves outcomes for children as well, with frequent telephone contact associated with greater relationship quality.⁷

Indeed, because the benefits to incarcerated individuals, their families, and society are manifold, the PJC supports expanding the bill to apply to other forms of communications—such as video communications and e-messaging.

In passing such legislation, Maryland would join a growing movement around the country. Since 2021, California, Colorado, Connecticut, Massachusetts, and Minnesota have passed legislation making prison and jail communications free, recognizing the importance of this economic, racial, gender, and criminal justice issue.

For the foregoing reasons, the PJC **SUPPORTS HB 1366** and urges a **FAVORABLE** report. Should you have any questions, please call Lucy Zhou at 410-625-9409 ext. 245.

⁴ Johanna B. Folk, et al., *Behind Bars but Connected to Family: Evidence for the Benefits of Family Contact During Incarceration*, J. Fam. Psychol. (Jun. 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6625803/>.

⁵ Karen De Claire et al., *The Effects of Prison Visits from Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research Since 1991*, Trauma, Violence, & Abuse (June 2016), <https://journals.sagepub.com/doi/abs/10.1177/1524838015603209>.

⁶ Ann Marie Rocheleau, *Ways of Coping and Involvement in Prison Violence*, Int'l J. Offender Therapy & Comp. Criminol. (Nov. 2013), <https://journals.sagepub.com/doi/abs/10.1177/0306624X13510275?journalCode=ijoe>.

⁷ Danielle L. Haverkate et al., *The Differential Effects of Prison Contact on Parent-Child Relationship Quality and Child Behavioral Changes*, Corrections: Policy, Practice, & Research (2020), https://static.prisonpolicy.org/scans/Haverkate_Wright_2020.pdf.

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Uploaded by: Magdalena Tsiongas

Position: FAV

TESTIMONY ON HB1366
Incarcerated Individuals – Costs of Telephone Communications

House Judiciary Committee
March 7, 2024

SUPPORT

Submitted by: **Magdalena Tsiongas, MPH**

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Magdalena Tsiongas, am testifying in support of HB1366, Incarcerated Individuals – Costs of Telephone Communications. I am submitting this testimony as the family member of an incarcerated person in a Maryland prison, John.

John has served 17 years in prison. In 2020, John's mother shared with him over the phone, that she was sick, with what would be terminal cancer. As his mother deteriorated, the only way he could say goodbye to her, was over the phone. When his mother passed away, during the pandemic, there were no in person visits in the facility. The only way he could get in touch and grieve with his family was over the phone.

John has also been working on developing a relationship with his brother, who was just 8 when John was incarcerated. His brother is raising two young kids of his own, and his money needs to go to raising those boys, not paying just for the ability to speak with his brother.

There are no free forms of communication in prison. Writing letters cost stamps, sending emails on tablets costs money for family members. Visiting in person, can cost hundreds of dollars in gas, tolls, and even overnight stays for people whose loved ones are housed far away. For John, it's been over a decade since he has seen the majority of his family in person. Phone calls are the way that he maintains a relationship with his sister, brother and father.

In prison, "wages" if you can call them that are about 25 cents an hour. People incarcerated in Maryland cannot afford to pay for phone calls to their family, so the cost evidently falls on the families, families who already have to support their loved one's legal costs, clothing, hygiene products, snacks and more. Not to mention, providing for their family at home.

I spend hundreds of dollars on phone calls a month so that John and our family can speak with each other. I will keep doing it if I have to, because being able to maintain a relationship with your loved ones while incarcerated is one of the most important things. It maintains stability, love and hope in a hopeless place. But if phone calls were free, it would lift a huge burden off of family members of incarcerated people. No one should ever have to decide if they can afford to speak to their family member or not.

For these reasons, I encourage you to vote **favorably** on **HB1366**.

Thank you.

HB 1366_United Church of Christ Media Justice Mini

Uploaded by: Cheryl Leanza

Position: FWA

TESTIMONY IN SUPPORT OF HB 1366 WITH AMENDMENTS

State Correctional Facilities–Incarcerated Individuals–Costs of Telephone Communications

March 7, 2024

Hearing of the House Judiciary Committee
Maryland General Assembly
Del. Luke Clippinger, Chair

Honorable Members of the House Judiciary Committee:

The United Church of Christ Media Justice Ministry (UCC Media Justice) is pleased to submit testimony in support of HB 1366, prepared by its counsel, student attorneys in the Communications and Technology Law Clinic at Georgetown Law. UCC Media Justice is a national faith-based non-profit devoted to ensuring affordable access to communications services and providing a voice to underrepresented groups in communications policy discussions. UCC Media Justice takes its guidance from the scripture in Matthew 25:35-40 emphasizing the importance of caring for people in prison. Interfaith Action for Human Rights, a faith-based group that advocates for practices in correctional facilities that foster successful rehabilitation and reentry in Maryland, D.C., and Virginia, signs on to this testimony. Maryland should adopt HB 1366 with amendments because it will foster strong familial and community bonds, benefit children, ease financial burdens on incarcerated individuals' families, and support rehabilitation and reintegration efforts.

Federal Efforts to Subsidize Carceral Communications are Important, but Not Enough

Communications services for carceral facilities have historically imposed exorbitant costs on incarcerated individuals' families. These predatory pricing schemes often included commissions to correctional institutions, which disincentivized officials from negotiating for fair, reasonable rates.¹ In some cases, one in three families go into debt attempting to maintain contact with incarcerated loved ones.² UCC Media Justice took a lead role in successfully passing the federal Martha Wright-Reed Just and Reasonable Communications Act. The Federal Communications Commission will adopt new national rate caps this summer, which will likely go into effect in 2025.³

Even with lower rates, families will still face financial burdens to communicate. Phone costs are typically passed on to incarcerated individuals' support networks and impose a huge financial strain on families, especially families who have lost the incomes of their incarcerated family members. HB 1366 would ease this financial burden and allow families to stay connected with their incarcerated loved ones. Federal legislation to lower rates nationwide could make it less expensive for Maryland to take on this cost as the national rules drive down rates, but it only addresses part of the problem: Maryland must act.

Staying Connected Supports Successful Reintegration to Society and Benefits Families

Staying connected is crucial for incarcerated people and their families, both while in custody and post-release. For children of incarcerated parents, phone contact is particularly essential, as it plays a significant role in their emotional and physical growth. In one study, approximately 83% of surveyed children with incarcerated parents emphasized the importance of staying in touch with their parents

¹ Drew Kukorowski, Peter Wagner, and Leah Sakala, *Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry*, Prison Policy Initiative (2013), <https://www.prisonpolicy.org/phones/pleasedeposit.html>.

² Ella Baker Center, *Who Pays?* At 9 (2015), <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families/>.

³ *FCC begins implementing the Martha Wright Act!* (March 16, 2023), <https://uccmediajustice.org/fcc-begins-implementing-the-martha-wright-act/>.



through phone and video communications.⁴ Such connections are critical to foster resilience and success.

Maintaining familial bonds is also a key factor in ensuring incarcerated individuals' successful return to their communities. In a study of 414 men incarcerated in state prison, those who stayed connected with their families were more likely to find stable employment and housing upon release.⁵ Extensive research supports the importance of connection.⁶

Other Jurisdictions Provide Free Calls for Carceral Facilities

As the attached chart shows, other states have implemented statutes providing free calls to incarcerated people, including Connecticut, California, Colorado, Minnesota, and Massachusetts. Major cities—such as New York City, San Francisco, Los Angeles, Miami, and San Diego County—have passed similar legislation to subsidize jail communications. Maryland should follow suit and allow local families to connect with incarcerated loved ones without falling into debt due to phone costs.

Suggested Amendments

UCC Media Justice proposes the following amendments to ensure that incarcerated individuals receive guaranteed access to phone services:

Adequate Telephone Equipment & Minimum Use Time Policy - Facilities must provide a sufficient number of telephone devices and a guaranteed minimum amount of telephone time, ensuring minimal wait times and reasonable access for all individuals and regular contact with their families and loved ones for the incarcerated population.

Other jurisdictions have similar provisions. Massachusetts requires phone services to be “maximized to the extent possible” and not be lower than 2023 levels. California’s free call statute mandates “accessible, functional” communication services.

We also request the General Assembly work to reform pricing in jails. Jails often hold individuals for shorter periods, during which maintaining contact is equally important, as they need to communicate about legal representation, employment, housing, family finances, and other arrangements in light of their potential continued incarceration or reentry. Maryland jails' phone call rates (up to \$3.15 for 15 minutes) significantly exceed state prison rates, and approximately one-third of incarcerated people in Maryland are in jails.⁷

For More Information:

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⁴ Urban Institute, *Low-Cost Phone Calls Benefit Incarcerated People* (Aug. 2023), <https://www.urban.org/urban-wire/low-cost-phone-calls-benefit-incarcerated-people-their-families-and-criminal-legal>.

⁵ National Library of Medicine, *Behind Bars but Connected to Family: Evidence for the Benefits of Family Contact During Incarceration*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6625803/>.

⁶ Prison Policy Initiative, *Research roundup: The positive impacts of family contact for incarcerated people and their families*, https://www.prisonpolicy.org/blog/2021/12/21/family_contact/.

⁷ Prison Policy Initiative, *Maryland Profile*, <https://www.prisonpolicy.org/profiles/MD.html>.



Comparison: Other Jurisdictions with Free Call Statutes for Carceral Facilities

State	Year	Statute	Summary of Statute
CT	2021	Public Act No. 21-54 - An Act Concerning Communication Services In Correctional And Juvenile Detention Facilities.	Mandates free communication services for individuals in Connecticut's correctional and juvenile detention facilities starting October 1, 2022. The Act prohibits using these services to replace in-person visits and ensures that all forms of communication, including voice, video, and email, are provided at no cost to the incarcerated individuals. Additionally, it stipulates that the state will not generate revenue from the provision of these communication services.
CA	2022	CA Pub. Util. Code § 2899 - Keeping Families Connected Act	Mandates free communication services for individuals in custody within the state's prisons and juvenile facilities, prohibiting revenue generation from these services by state and local agencies. This Act emphasizes the importance of family connections to aid in the reintegration of incarcerated persons into society. Additionally, it mandates the Public Utilities Commission to set quality standards for these communication services, ensuring reliable access for incarcerated individuals to maintain contact with their families and support networks.
CO	2023	HB1133 - Cost Of Phone Calls For Persons In Custody	Mandates that the state's Department of Corrections provide free voice communication services, which may include video and email services, without generating revenue from these services. The bill stipulates a phased implementation for covering communication costs, starting with 25% of costs covered from September 2023, increasing to 35% by July 2024, and covering 100% of costs by July 2025. Additionally, it includes provisions for juvenile detention facilities.
MN	2023	SF 2909 - Judiciary and Public Safety Budget Bill, Sec. 11. [241.252]	Mandates state adult or juvenile facilities provide free voice communication services to incarcerated individuals, with the option to add video and electronic messaging services, ensuring no charges for communication. It sets restrictions to uphold protection orders, prohibits state revenue from these services except for pre-2023 commissions, and maintains in-person visits with certain exceptions. Requires annual reporting by the Department of Corrections on renegotiating communication contracts, including rate details, fund usage, and service statistics to boost transparency and accountability in providing communication services to incarcerated people.
MA	2023	H. 4052 - An Act providing for unlimited free phone calls to incarcerated individuals	Mandates the Department of Correction and sheriffs provide unlimited free voice communication services, including phone calls, to individuals in state and county correctional facilities. The Act mandates that the level of access to these services should not be less than what was available on July 1, 2023, ensuring that facilities maintain or enhance current communication standards. It also emphasizes the need for adequate infrastructure to support these services and affirms that the provision of free voice communication does not affect the availability of in-person visits, highlighting a comprehensive approach to maintaining connections between incarcerated individuals and their communities.

