



TESTIMONY IN SUPPORT OF HOUSE BILL 401

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

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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 401.

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 401 for three primary reasons. First, House Bill 401 will reduce recidivism and promote public safety. Second, House Bill 401 will afford incarcerated individuals and their already burdened loved ones with a more viable means of continued communication. Third, House Bill 401 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 401 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. These benefits 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 The Department of Public Safety and Correctional Services (“DPSCS” or the “Department”) 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

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 401 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 DEVUONO-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 of 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).

well positioned to bear these financial burdens, and the many others experience the traumatizing 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.

DPSCS 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 supporting staff retention.

Increasing access to telephone communication will create a safer and more humane 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 The state must be forward-thinking and expansive in its pursuit of solutions to its staffing and retention crisis. This bill is an excellent example of a policy solution to help address those challenges.

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].

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 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 401.

¹⁹ *Id.* at 8.

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