

# Free Calls in Massachusetts Lead to Defunded Prison Programs

In December 2023, Massachusetts became the fifth state to provide free phone calls in its prisons and the first in all local jails. Video calling and e-messaging were also made available at no cost [See: *PLN*, Mar. 2024, p. 15]. Those progressive reforms were the culmination of years of advocacy to reduce the excessive costs imposed on prisoners and their families simply to stay in touch, including efforts by the No Cost Calls Coalition.

The free phone calls and other communication options removed an "immense financial burden off some of the most disadvantaged households in the state," declared Aaron Steinberg with Prisoners' Legal Services. While the volume of calls from state Department of Corrections (DOC) facilities and jails more than doubled over the next year, the No Cost Calls legislation that resulted in free communications services also had unintended consequences.

Initially, there was a problem with supply and demand: too few phones for the increased number of prisoners who wanted to take advantage of the free calls, which led to fights. The distribution of tablets with a phone app in state prisons and some jails largely alleviated that issue but a larger

one remained—the loss of lucrative phone revenue.

For decades, the business model of the carceral telecom industry has been based on "commission" kickbacks: To obtain contracts to provide phone services in prisons and jails, companies such as Securus and GFL (now ViaPath) pay a percentage of their revenue to the corrections agency. Historically, such commissions have often been 40% or more. Many prison systems and local jails became reliant on that source of income, which comes from inflated phone rates paid by prisoners and their families. When Massachusetts made the calls free, that revenue stream dried up.

As part of the No Cost Calls legislation, the state allocated funds to cover the loss of commission income. In the year after the bill passed, the DOC received \$8.1 million while jails received \$12 million. However, for fiscal year 2024-25, only \$10 million was budgeted to compensate for the free calls statewide. The governor's office had requested \$35 million.

"If that money doesn't come back to us, then I have to make a decision," stated Nicholas Cocchi, president of the Massachusetts Sheriff's Association. "The phones

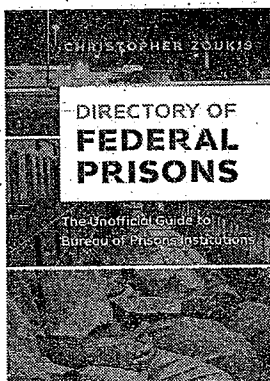
may get turned off." Renegotiating contracts with telecom companies could reduce the costs that corrections agencies pay for phone service. The Hampden County Jail, for example, pays under 2 cents per minute for calls.

Meanwhile, programs funded by the kickbacks that benefitted prisoners have lost their funding. The No Cost Calls bill also ended the 11% commission payments that the DOC and jails received from commissary sales. According to Lois Ahrens, director of the Real Cost of Prisons Project, those commissions went to law libraries as well as inmate benefit funds. They provided "stipends for people working prison jobs and for religious services," she wrote in an October 2024 press release, and also funded recreation and gardening equipment, library books, tablets, Lexis-Nexis and Westlaw subscriptions, and other resources for prisoners. The free calls legislation originally included protections against the loss of the commissary commission revenue, but those provisions were omitted from the final version of the bill.

When the commission payments ended on July 1, 2024, funding for the programs that depended on them likewise disappeared. By September of that year, the inmate benefit fund at MCI Norfolk had run out of money, Ahrens reported. "So far," she said, "there has been no indication how or if the DOC will fund law libraries or pay for the equipment, services and programs in every prison."

Worse, despite eliminating the 11% commission on commissary purchases made by prisoners, the prices didn't go down. Keefe Commissary Network, which contracts with the DOC, kept the prices the same and pocketed the commissions it no longer had to pay the prison system. "With the full profits, Keefe is netting a huge windfall," wrote Ahrens, "while programs supported by commissions are now defunded." As a result, the company is expected to reap an "additional profit of \$1.2 million in the coming year," and DOC officials are "silent on what will happen next." ■

Sources: *Boston Globe*, *WGBH*, The Real Cost of Prisons Project



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