



**Testimony Presented before
The New York State
Joint Legislative Budget Hearing on Public Protection**

January 25, 2024

We at the Fines and Fees Justice Center we would like to thank Chair Kreuger of the Senate's Standing Committee on Finance and Chair Weinstein of the Assembly's Standing Committee on Ways and Means for holding today's Joint Legislative Budget hearing on Public Protection, and for giving advocates and impacted community members the opportunity to share the importance of free communication in prison and jails.

The Fines and Fees Justice Center focuses on eliminating the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We are a part of the Connecting Families NY, a coalition which seeks to end the profiteering of the communications of families and incarcerated people in New York's correctional facilities. The Connecting Families Act (S1942/A2164) would make communication free for people incarcerated in New York prisons and jails.

The Connecting Families Coalition conducted a fiscal analysis to determine the costs for making communications free between incarcerated people and their loved ones. The analysis relies on data gathered from prisons across the country, what we know about New York State prison policies and practices, as well as the following assumptions:

I. Population.

For this analysis, we use the average daily population as of September 2021 for New York prisons and jails, or 34,143 for the Department of Corrections and Community Supervision (DOCCS).¹ These population figures have fallen significantly over recent years thanks to important criminal justice, with the New York prison population declining nearly by half from 2008-2023 according to a report done by the Data Collaborative for Justice.²

II. Cost of service.

For this analysis, the Connecting Families coalition assumes that DOCCS would renegotiate rates in line with other progressive states and counties that have stopped taking commissions and prioritized affordability in assuming this cost directly. There are more competitive rates offered by all the leading jail telecom providers. For example, families pay a per minute rate of \$0.009 in Illinois, \$0.0119 in Dallas, \$0.025 in California, \$0.029 in Rhode Island, and \$0.05 in 17 counties in New Jersey. In this analysis, we conservatively assume DOCCS secures a rate of \$0.0119. New York correctional administrators and sheriffs should be able to secure similar or better rates. Our fiscal analysis also accounts for our prediction that call volume will increase to an average of 30.5 minutes per person per day, as it did in jurisdictions that have already made calls free.

III. Pricing models.

Conservatively, our fiscal analysis assumes that DOCCS retain a per minute payment model and procure services individually. However, there are new contract models, like the one pioneered by the San Francisco Sheriff's Department, that are changing the landscape for prison and jail telecom. The San Francisco model is based on a per month phone line rate rather than a per minute call rate. The county now pays \$89.78 per phone line per month, and since they pioneered this model, offers have come in as low as \$49 per phone line per month. Based on information provided by DOCCS, state prisons have 3,316 phones.

¹ <https://doccs.ny.gov/system/files/documents/2022/04/under-custody-report-for-2021.pdf>

² <https://datacollaborativeforjustice.org/wp-content/uploads/2023/07/PrisonPop.pdf>

Assuming that DOCCS renegotiates a better rate with the vendor Securus to bring down the total cost of communication to \$.03/ email message and \$.0119/minute for phone calls, or shifts to a cost structure based on paying fixed rates per phone line for its 3,316 phones, it is estimated to cost between between \$4.1 million and \$5.3 million per year. Where the actual cost falls within the projected range will depend on how successful the state is in renegotiating its contract and/or model with the vendor. That said, as a precaution, we requested \$10 million which is what the Assembly included for this policy last year in its one-house budget.

IV. Financial Costs to Families.

Currently, families are charged per minute for prison phone calls — \$0.53 for 15 minutes. To put that into perspective, an incarcerated person would have to work as many as six hours for a simple 15-minute call and one in three families goes into debt trying to stay connected. Each year, New York families pay the state’s prison telecom vendor, Securus, an estimated \$18.6 million to communicate with incarcerated loved ones in prison annually, before taxes and fees. Securus charges families additional fees, including an “account funding fee” of \$3 for each transaction (capped at \$50). With a national average deposit of \$17, the account funding fees alone are estimated to cost families an another \$1.9 million annually. Families also pay an estimated \$2.2 million annually in other government fees and taxes, including the Federal Universal Service Fund assessed on interstate calls.

Making prison communications free would save New York families an estimated \$22.7 million annually. There is no more cost-effective program that the state could implement that would not only help people financially, but emotionally.

Phone calls are a lifeline for incarcerated people and their families and communicating with loved ones is an essential human need. Yet, for people who are incarcerated in New York and their loved ones, the predatory costs of prison and jail phone calls makes connecting nearly impossible. These costs force incarcerated people and their families to choose between paying for basic necessities or staying connected. The financial impact of this choice is felt most acutely by economically distressed communities and communities of color.

The ability of incarcerated people to stay connected with their families and community is also critical to successful reentry. In fact, studies show women who reported having phone contact with a family member during incarceration were significantly less likely to be reincarcerated within 5 years and having access to telecommunication was most consistently associated with reductions in recidivism.³ Being connected is critical to safe resilient communities. If we calculated the dollar impact of resulting lower recidivism rates and safer communities, the fiscal impact to the state would be even lower.

In 2018, New York City was the first city to pass legislation to ensure free communications between incarcerated people and their loved ones and this model has been replicated by cities and counties and states across the country. In the last 3 years, California, Colorado, Connecticut, Massachusetts, and Minnesota have ended charging incarcerated people and their families and friends to stay connected. Also since NYC paved the way, Congress passed the Martha Wright Reed Just and Reasonable Communication Act, which requires that rates for incarcerated people's communications services be just and reasonable, recognizing the predatory nature of the prison telecommunications industry. In order to end the economic harms stemming from the justice system, we must support New York's families by requiring correctional agencies provide calling services at no cost to incarcerated individuals or their families. Last year, the Assembly included the allocation in its one-house budget, and we need to continue on this path to help families stay in touch with their loved ones.

We urge Governor Hochul and the Legislature to support the Connecting Families Act and the \$10 million allocation for free prison communications.

Thank you,

Antonya Jeffrey

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³<https://web.archive.org/web/20211228235145/http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.925.34&rep=rep1&type=pdf>