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TESTIMONY OF

**RANDALL A. LIBERTY, COMMISSIONER
DEPARTMENT OF CORRECTIONS**

In Opposition to

LD 1175 An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons

**Before the
Joint Standing Committee on Criminal Justice and Public Safety**

April 14, 2021

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety Committee, I am Randall Liberty, Commissioner of the Maine Department of Corrections providing testimony in opposition to LD 1175.

Before commenting directly on this bill, I think it would be useful for this committee and the public watching to hear about my experiences growing up with an incarcerated parent. When I was a child, I spent a lot of time visiting my father while he was an inmate at the county jail and later the state prison. He was imprisoned for various things that range from drunk and disorderly to burglary to domestic violence. My brothers and I grew up with traumas stemming from poverty, domestic violence, incarceration, substance use and lack of education.

The first time that I visited the Maine State Prison was to visit my Father during an inmate Christmas gathering.

And yet, in spite of these difficult circumstances, I am one of the fortunate ones. I learned early on that a person cannot determine the circumstances that they are born, but they don't have to remain there. I believe in redemption and that occurs when someone believes in us, and when we are given the opportunity to become educated, exposed to new ideas and to learn new skills. We can be transformed into something better when someone helps us see our value and when someone helps us see ourselves in a new way.

I have no doubt the experiences I went through during my early years have helped inform the way in which I view my role as Commissioner of the MDOC and previously as Warden of the Maine State Prison, and prior to that as Sheriff of Kennebec County.

I mention all this in relationship to this bill because I want you and those watching to understand how personally I know the importance of keeping families connected during periods of incarceration.

The MDOC does a number of things to ensure loved ones are able to communicate throughout periods of incarceration. During the pandemic, when we have had to suspend in-person visits, we've provided free stamps, free text messaging, free phone calls, and free video calls. Even before the pandemic, we were providing free stamps and free phone calls for indigent residents and will continue to do so.

The programming we provide, which includes education, behavioral health treatment and job readiness programs, to name a few, all contribute to rehabilitation which improves family connections.

I understand the concerns expressed today by the bill sponsor and others speaking. All fair points. But I need to clarify how phone and commissary charges actually work, as there will be significant negative impacts to the resident population if this bill were to pass.

This bill would prohibit the MDOC from accepting a commission for phone, video and commissary services and would prohibit the MDOC from charging a separate fee for these services.



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While we do not charge residents a separate fee for these services, the MDOC does take a straight 5 cents per minute commission on each phone call, out of the 9 cents per minute charged. And we take a 19 percent commission on most commissary purchases. However, what you might not know is that every commission collected, whether from phone calls or commissary, goes into a special, facility-based account called the Inmate Benefit Fund.

Each facility of the Maine Department of Corrections has its own Inmate Benefit Fund. The IBF, as we call it, is an account set up at each facility, so the warden of the facility is able to make purchases specifically for the benefit of the residents of that facility.

For example, the Inmate Benefit Fund pays for gym and sports equipment for resident use, pays for residents' haircuts, pays for cable and direct TV. The commissions collected, all of which are deposited into the Inmate Benefit Fund, also pay for hygiene and writing supplies for our indigent population, the free phone calls and free stamps mentioned above, and library material, while also paying for a number of key pre-release training certification programs including: OSHA-10, Serv Safe, Work Ready and Yoga teacher training. The funds also pay for new books for ancillary courses like Criminal Addictive Thinking and Restorative Justice. Additionally, these funds pay for some resident jobs including inmate paralegal and peer mentors. During Christmas, the wardens purchase Christmas cards to be given to each resident so that they will have the ability to send Christmas cards to loved ones. The wardens frequently use monies in the Inmate Benefit Fund to provide treats like ice cream and pizza to residents after achieving milestones like educational graduations.

Regarding our contracting process, the major phone providers in correctional settings all charge the same rate for phone calls. And they all charge the same rate for video calls. So this bill will not have an impact on our contracting process for phone or video services.

This bill would also require that residents receive two free phone calls per week, however there is no provision for disallowing these calls if a resident destroys a phone, uses it to commit assault or creates other security issues.

We work to ensure that the commissions collected have a meaningful impact on the resident population. If this bill were to pass, the resident community would feel it, they would lose out.

Growing up, I received letters from my father while he was in prison. In his letters he'd tell me about a book he was reading, or he'd talk about what he saw on the local news, or better where we would go fishing when he got out. He often wrote to me while I was overseas serving the Army, both of us understanding the difficulty of being separated from our family. I still have some of these letters as they tell the story of his transformation. I know the value of connecting with family while incarcerated.

I empathize deeply with many of the stories being told today. I've lived these stories too. I know this bill is heartfelt and seeks to improve connections for residents of correctional facilities to their loved ones.

Unfortunately, this bill will take away some of the very things that help residents feel connected to their loved ones, tv shows, certificate bearing programs, books and sports equipment. The things of life. If we take away the commission, we will take away the ability to pay for these critical services and we will rely on inconsistent funding priorities of state government.

Thank you for listening to my testimony.

I will answer any questions.

Randall A. Liberty, Commissioner
Maine Department of Corrections