

TESTIMONY OF MICHAEL KEBEDE, ESQ.

**LD 1175 – Ought To Pass**

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

Joint Standing Committee on Health and Human Services

April 14, 2021

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I am here to testify in favor of LD 1175.

LD 1175 would do two things: first, it would prohibit prisons and jails from profiting from surcharges to telephone, video, or commissary services. Second, it would dramatically increase opportunities for incarcerated people to connect with their loved ones by requiring that incarcerated people receive two 15-minute calls per week at no charge, and capping the rate of phone calls incarcerated people make at 11 cents per minute.

For people who are incarcerated, maintaining family and community bonds is crucial to mental health, physical health, community health and community safety. Yet Maine has not just expected the loved ones of incarcerated people to bear the exorbitant cost of maintaining relationships, but has also profited from it. LD 1175 seeks to correct this injustice.

Experts estimate that nationwide, the families of incarcerated people pay nearly \$3 billion every single year on the hidden costs of incarceration.<sup>1</sup> There are commissary costs, costs associated with visitation, legal costs, sometimes the cost of housing a person, and of course, costs for phone calls and text messages. A short prison phone call in Maine costs an outrageous amount of money, on average \$5 for 15 minutes. The minimum wage in Maine is \$12.15, so that a person working

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<sup>1</sup> See Nicole Lewis & Beatrix Lockwood, The hidden cost of incarceration, The Marshall Project, Dec. 17, 2019, available at <https://www.themarshallproject.org/2019/12/17/the-hidden-cost-of-incarceration>.

minimum wage must work for almost twice as long as the phone call itself to pay for it.

The people who bear these costs are often the ones least likely able to do so. People from poorer backgrounds are more likely to be imprisoned.<sup>2</sup> A recent study from the Muskie School found that between 2015 and 2020, there were 2,134 parents incarcerated in Maine's prisons, and 3,403 children with parents in prison.<sup>3</sup> If the children of incarcerated caregivers do not come up with the costs for phone calls, these children are likely to have extremely limited contact with their caregiver. These children bear the cost of prison phone calls. And, because Black people are disproportionately likely to be incarcerated, it is their children who bear a disproportionate burden. There is an enormous gender disparity as well: of people who pay to stay in touch with family members, 87% are women.<sup>4</sup> The cost of calls and visitation are the top barriers for families trying to stay in touch during incarceration.<sup>5</sup>

Even though families and communities are footing the bill, our entire state reaps the benefits of these social connections. Good communication throughout incarceration makes people less likely to recidivate after reentering their communities.<sup>6</sup> The improved outcomes are the result of a direct transfer of money from the families of incarcerated people to the State of Maine and a private telecom company. Instead, Maine should itself pay the costs as an investment in the health of its communities.

We urge you to vote ought to pass.

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<sup>2</sup> See Adam Looney & Nicholas Turner, *Work and opportunity before and after incarceration*, Brookings Institution, Mar. 14, 2018, available at <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

<sup>3</sup> Jillian Foley, Erica King & Case Benner, *Breaking the Cycle Interrupting Generational Incarceration in Maine*, Cutler Institute Muskie School of Public Service, Nov. 2020, available at <https://placemattersmaine.org/wp-content/uploads/2021/01/BreakingtheCycle.pdf>.

<sup>4</sup> Saneta DeVuono-Powell, et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center 2015, available at <http://whopaysreport.org/who-pays-full-report/>.

<sup>5</sup> *Id.*

<sup>6</sup> See Nancy G. La Vigne, et al., *Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships*, 21 J. OF CONTEMP. CRIM. JUST. 314, 316 (2005). See also Rebecca L. Naser & Christy A. Visser, *Family Members Experiences with Incarceration and Reentry*, 7 W. CRIMINOLOGY REV. 20, 21 (2006) (“[A] remarkably consistent association has been found between family contact during incarceration and lower recidivism rates.”) (citations omitted).