

Connecting Families

Compelling messaging for
prison phone justice campaigns



WORTH
— RISES —

About the Author

Worth Rises is a non-profit advocacy organization dedicated to dismantling the prison industry and ending the exploitation of those it touches. Partnering with directly impacted people, we work to expose the commercialization of the criminal legal system and advocate and organize to protect and return the economic resources extracted from affected communities. Through our work, we strive to pave a road toward a safe and just world free of police and prisons.



Worth Rises is a national leader in the prison phone justice movement. In 2018, we successfully passed legislation in New York City that made phone calls free in city jails—a national first that saved directly impacted communities nearly \$10 million a year. When the law went into effect in 2019, call volume jumped nearly 40% overnight, opening lines of communication that had previously dried up. We then worked with elected officials and advocates in San Francisco to make it the second major city to commit to providing phone calls to incarcerated people and their families at no cost. Today, we are supporting prison phone justice campaigns across the country at the federal, state, and local level and we are seeing wins.

This report reflects much of what we have seen work in practice across prison phone justice campaigns.

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Introduction

As legislators spurred the exponential growth of the carceral population in the 1970s, they signaled a business opportunity to many. The commercial telecom industry was among them.

Until the early 1980s, AT&T serviced the correctional market like the broader telecom market, charging comparable rates across both. In 1984, the federal breakup of the AT&T monopoly opened the correctional telecom market to competition. Soon after, MCI, Sprint, and other major telecom corporations entered the space.¹

But quickly, niche telecom corporations that served only correctional agencies took over the market and changed its competitive dynamics by turning their correctional customers into partners using profit-sharing arrangements that promised them a cut of the profits. So while competition drove down pricing across the broader telecom market, in prison and jails, it led agencies to routinely award monopoly contracts to the bidders with the highest rates.²

For as long as the correctional telecom industry has existed, families with

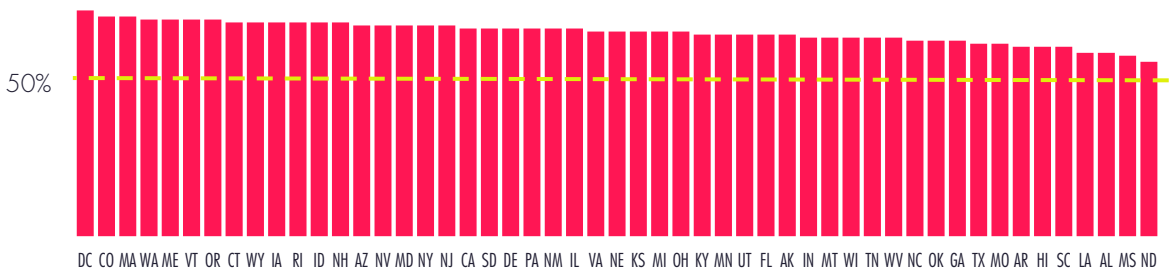
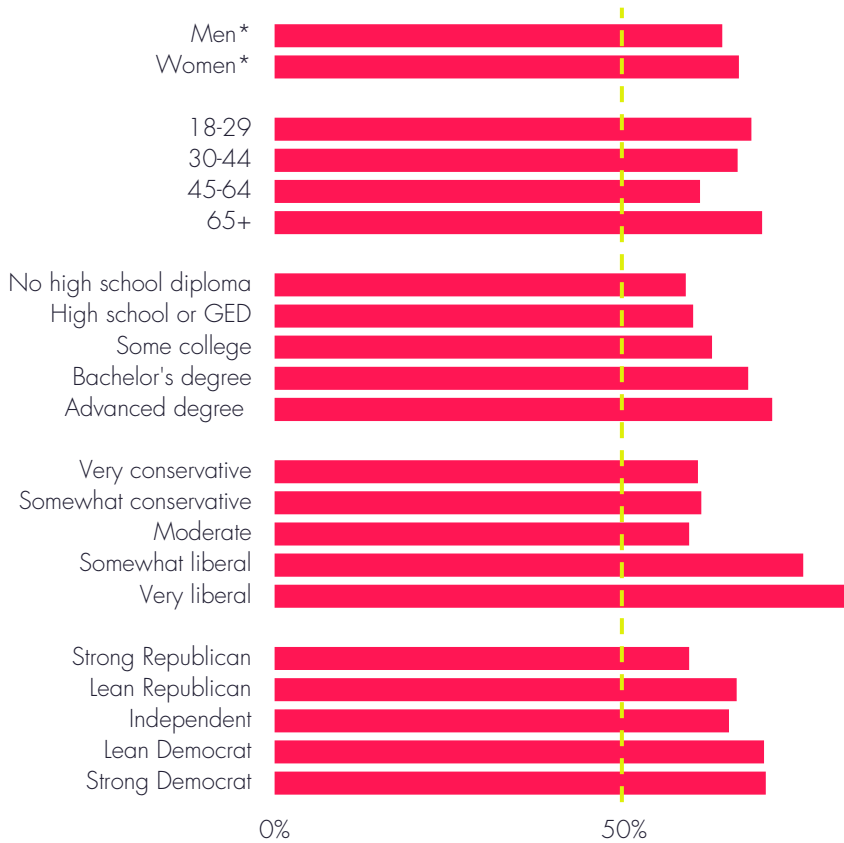
incarcerated loved ones have fought back against its predatory pricing in litigative and legislative battles. In the last few years, advocacy wins have created new hope for the movement for prison and jail phone justice.

In 2013, the Federal Communications Commission (FCC) introduced rate caps.³ While courts rolled parts back, in the few years that followed, half a dozen states introduced their own rate caps and many others negotiated lower rates. Then, in 2018, advocates moved the New York City Council to pass game-changing legislation that made phone calls free from its city jails—a national first.⁴ San Francisco’s Mayor committed to doing the same in 2019.⁵ And legislators in Connecticut, Massachusetts, and New York have introduced legislation to eliminate the costs of communication for incarcerated people, and the list keeps growing.⁶

As the prison and jail phone justice movement accelerates, more advocates are asking: what narrative works? In this report, we draw on linguistic analysis, polling research, and recent campaigns to answer this question.

Support is already on our side

Based on a survey of 2,760 people, 71% of people support providing families and their loved ones behind bars phone calls at no cost. Across all demographics and all geographic areas, support for such policies is over 50%.



See Appendix for more on the polling methodology.

* We worked with a leading data analytics firm to survey the public. Unfortunately, their survey only collects binary gender data, and thus this point of demographic data is not likely to be fully representative of the surveyed population.



I. Messaging

Making sure your words lead to the results you want

Words matter

When we speak, people don't always hear what we want them to. In fact, people are bad evaluators of what resonates with them because much of what we hear is processed by our subconscious. Small tweaks in the language we use can produce radical results.

For this report, we collected roughly 300 data tokens, or unique language constructions used to talk about the importance of communication by advocates, elected officials, media, entertainment, corporations, including our opponents. We conducted a linguistic analysis to diagnose concerns in our messaging and surmise solutions.

Strong advocacy messaging should motivate your base, convince persuadables, and isolate your opponents. As a movement, our messaging hasn't always done that.

Instead it has:

- Reinforced opposition narratives about people who are incarcerated
- Promoted public utility arguments that prioritize public benefits over care and concern for families and their loved ones
- Avoided naming and even excused culpable actors
- Failed to address the disproportionate impact of the harm caused

We concluded that an effective narrative would:

- Properly state our goal
- Repurpose corporate tactics
- Lead with real stories
- Align arguments with values
- Use person-centered language

Pulling from both corporate messaging and the stories of directly impacted communities, we chose Connecting Families as our framework for prison and jail phone justice campaigns. In doing so, we are reclaiming the term *families* to include our chosen families.

**Know what you're
fighting for**

When we say we're fighting for

free phone calls,

people see this.



When we say we're fighting to

connect families,

people see this.



**Pay attention to what
works for the pros**



SOME CALLS YOU CAN'T AFFORD TO MISS

AT&T

Securus

Teleflora

Connected to **proud fathers**



When was the last time you told Mom
how much you love her?

THE ONES YOU TRUST ARE ALWAYS THERE

Duracell



Skype

Verizon

It's never too late for love to call back.

Separation hurts.

Lead with real stories

No fight for justice was won leading with logic. We must make our audience feel the injustice we talk about. And only those who have felt it can explain it to others.

"We are all dependent on our family. It's not just us doing time, but it's also [them] going through this experience with us."

"Seeing others suffer from this kind of disconnection made me even more grateful for my phone calls with my grandmother, which were so unaffordable she often had to choose between speaking with me or purchasing the medication she needed to stay alive."

"There's nothing that can break the toxicity of the prison environment like hearing a child's voice."

"The longer you've been in prison, the more distant you become to the outside world. People can't afford you anymore."

"Not being able to talk with family kept me from being able to plan for my future after prison."



"We are figuring out which bills to pay, which nights we skip dinner, and which doctors' visits to cancel so that we can afford to speak to our children, our siblings, our parents.... I'm a mother, I need to know if my son is ok."

*Diane Lewis
Hartford, Connecticut*

Align your arguments
with your values

"...if people only knew that the state... is profiting from communications between family members and those that are incarcerated—I think that is absolutely horrible."

"...if you've got someone who's writing you, coming to see you... they're less in trouble down there, they focus on what they need to do to come home because they want to be on the outside world."

"All of these items keep them occupied and out of trouble, resulting in increased safety and security within the facility..."

Can you differentiate the advocates from our opponents?

"For example, prison inmates who had more contact with their families and who reported positive relationships overall are less likely to be reincarcerated."

No, because we've adopted their framing, and that's a problem.

"As a parent, I know that there is nothing better than waking up and seeing your children's smiling faces. Unfortunately, inmates are not able to experience this joy."

"[We're] supportive of efforts that increase communication between offenders and their loved ones, which will hopefully help to reduce the rate of recidivism."

When we say communication lessens

aggression,

people see this.



When we say communication breaks

hopelessness,

people see this.

Ineffective

Increasing communication prevents violence and criminal behavior in prisons and jails.

Opposition

"All of these items keep them occupied and out of trouble, resulting in increased safety and security within the facility, which is a benefit to my staff."

Advocates

"Keeping incarcerated people connected with their family support systems reduces recidivism and prison violence."

"I notice when they're incarcerated, if you've got someone who's writing you, coming to see you... they're less in trouble down there..."

"The isolation was frustrating and could move even men convicted of non-violent crimes like me to aggression."

"Depriving inmates of contact with family hurts everyone, not just the people on either end of the call."

Effective

Communication with loved ones outside interrupts the toxicity of prisons and jails that reproduces harm and creates despair.

Connecting with their families, gives people who are incarcerated hope about the world waiting outside.

When people are supported, they become more committed to their own success and engage in activities likely to promote it.

Isolation torments the human spirit and can move anyone to desperation.

When we deny a person their support system, we recreate the conditions that led to their contact with the system.

When we say communication improves

public safety,

people see this.



When we say communication helps

people thrive,

people see this.



Ineffective

Communication strengthens the relationships people need to prevent them from recidivating and, in turn, it protects public safety.

Opposition

"We provide critical software on our calling platform... that keep corrections officers, inmates, victims, witnesses, law enforcement, and **all of society safe** while maintaining critical connections between inmates and their family and friends."

Advocates

"Improving the ability of families, clergy and others to maintain a relationship with incarcerated people **improves the safety of all communities.**"

"Unjust and unreasonable charges **negatively impact the safety and security of communities in the United States by exacerbating recidivism...**"

"That person who comes home, **they might act out** if they don't adjust."

Effective

Communication strengthens the relationships people need to ensure they are successful and thrive after release.

Improving relationships between people behind bars and their support systems accelerates their reentry and gives them the best chance at real success.

When corporations charge families exorbitant rates to stay in contact with loved ones who are incarcerated, they strain the relationships that are critical to their success upon release.

People need support to successfully reenter an unwelcoming society.

When we say communication is inaccessible due to the system & market, people see this.



When we say communication is inaccessible due to corporate greed & government collusion, people see this.



Ineffective

The carceral system, market forces, and the high costs of calls harm families.

Opposition

"Limitations and conditions may be imposed upon an inmate's telephone privileges..."

Advocates

"The system harms all Connecticut residents..."

"Unfortunately, too often, our nation's criminal justice policies fail..."

"Unjust and unreasonable charges negatively impact..."

"...market failures unique to the prison telecommunications industry can make..."

"Current policy isn't just inhumane — it reduces the chances..."

Effective

Greedy correctional phone corporations and their complicit government partners harm families.

Securus harms Connecticut communities by charging...

Federal, state, and local elected officials fail communities when they support existing policies and practices that...

Prison phone corporations and their correctional partners hurt...

Correctional agencies fail to protect families with incarcerated loved ones from predatory practices that...

Elected officials harm communities—individually and collectively—when they support existing policies...

**Use person-centered
language**

When we “other” people, it’s easier to exploit them. Using labels created by our opponents does just that. We must instead speak about incarcerated people like we speak about ourselves.

Opponents

“Whether or not **inmates** are charged a fee for making a phone call is not our primary concern.”

“Free?... Why should taxpayers bear this cost?... ‘incarcerated Americans’ are **criminals**.”

“...communication between **offenders** and their loved ones...”

Advocates

“...improving the odds that rehabilitated **offenders** will be able to become productive members of society...”

“...high **inmate** calling rates interfere with **inmates’** ability to consult with their attorneys, impede family contact that can make prisons and jails safer spaces, and foster recidivism.”

“...prison **inmates** who had more contact with their families... are less likely to be re-incarcerated.”



So, when you think of your family, what labels come to mind?

Mother, father, parent, son, daughter, child, grandma, grandpa, grandparent, grandson, granddaughter, grandchild, sister, brother, sibling, husband, wife, partner, uncle, aunt, friends, and people



II. Model Talking Points

Staying focused on the prize

Keep families together

Center the goal of keeping families connected and children supported

- Parents love their children, spouses love their partners, and children love their parents whether they are together or apart. Love is one thing that incarceration cannot interrupt, and prison telecom corporations exploit this.
- A mother is a mother whether her child is by her side or behind bars. She will always worry about their well-being. A simple phone call can ease that worry.
- Every child deserves to hear “I love you” from mom and every dad should be able to tell his child he loves them, regardless of who’s incarcerated.
- Open communication with an incarcerated parent is critical to decreasing the trauma suffered by the 1 in 29 children whose parents have been incarcerated in the U.S.⁷
- Penalizing families for supporting their loved ones behind bars is cruel. Doing so for the financial benefit of a corporation or the government is inhumane.
- We all need our most loyal supporters in the moments when we are at our lowest, and to isolate and exploit that need is grossly unethical.

Mama take this mother f*ckin' block off
Tryna reach you every day, collect calls
Never get through, and I go through withdrawals...

DA say I take a deal, or take a loss
I ain't built for all them goddamn numbers
God's will, say a prayer for me mama
If you can't, then open up the phone lines
Mama just get back at me this last time....

Kendrick Lamar, Collect Calls



Focus reentry arguments on helping people succeed and thrive upon release

- Communication with the outside world creates hope for people behind bars and encourages a forward-looking mindset that drives positive behavior.
- Regular communication with their support systems allows people in prison or jail to plan for their release, which includes securing housing and employment, two of the most imminent needs for recently released people.
- The sooner someone starts preparing for their own release and the more support they have through the process, the more likely they are to come out and thrive.
- The individual success of formerly incarcerated people comes with immeasurable social and fiscal benefits to themselves, their families, their communities, and broader society.
- No program has proven to be more effective at improving reentry outcomes than creating open lines of communication between people in prison or jail and their support systems.⁸

Face the disproportionate impact of predatory pricing practices head on

- The vast majority of families supporting incarcerated loved ones are cash poor, and thus any cost for communication can be an insurmountable burden.
- One in three families with an incarcerated loved one goes into debt trying to maintain contact while enriching predatory correctional telecom corporations.
- Women bear 87% of the burden of the costs of calls and visits with incarcerated loved ones, and more often it's women of color.⁹

Protect the unique concerns of pre-trial populations

- Correctional telecom corporations charge their highest rates in local jails, which often hold people who are awaiting trial and cannot afford bail to secure their own freedom or people serving shorter sentences.
- Phone rates in local jails can cost as much as \$25 for a 15-minute phone call, far outpacing the nearly \$6 maximum cost for a similar call across all federal and state prisons.¹⁰
- People in pre-trial detention have uniquely immediate needs—such as arranging for childcare, paying rent, calling out of work, and participating in their own legal defense—that require access to communications with their support systems.

Assign blame to predatory corporations and their government partners

- Correctional telecom corporations enjoy monopoly contracts over prisons and jails, meaning that incarcerated people and their families have no choice in which service provider they use or what rates they pay.
- Two corporations, Securus and Global Tel Link, hold 80% of the correctional telecom market with an even split between them, and wield tremendous power.¹¹
- Federal, state, and local governments conspire with these corporations through profit-sharing arrangements that provide corporate kickbacks used to fund everything from programs to facility needs (e.g. staff salaries, equipment, etc.).
- Correctional agencies cite their dependency on these revenues in joining the corporations in opposing policies that would reduce the cost of communication.¹²

Concentrate fiscal arguments on preventing the extraction of taxpayer dollars

- Taxpayers already pay for the cost of communication from prisons and jails, but under the current system, but just one small subset of taxpayers and the one that can least afford it: the families with loved ones who are incarcerated.
- Directly impacted individuals and families are likely to spend the money saved on communication with incarcerated loved ones in their communities, boosting local economies.
- When the government is responsible for providing communication in prisons and jails:
 - The cost decreases because correctional agencies are incentivized to get the lowest rates (rather than the highest) and are not required to pay the excessive fees associated with depositing funds on phone accounts *and*
 - The cost is equitably distributed among all taxpayers.
- Taking money from families for communication misrepresents state priorities. Core government functions, including rehabilitative programs, must be funded out of core government budgets, not off the backs of low-income communities.
 - If families stopped paying for communication, would government administrators terminate all the staff positions or forego the equipment paid for using their money?
- Governments are responsible for the full cost of the punishment systems they create. If they would like to lower the cost burden, they should adopt alternatives to incarceration and free people.



III. Frequently Asked Questions

Preparing for derailment

Answers that keep you on message

How did we get here?

- Charging exorbitant rates for prison and jail calls is a recent phenomenon; calls used to be free or priced at rates comparable to those in free society until well into the 1990s in many jurisdictions.
- Predatory correctional telecom corporations carved out a niche field for themselves in the late 1980s by:
 - 1) introducing invasive and unnecessary surveillance technology *and*
 - 2) offering their correctional partners profit-sharing arrangements that paid government agencies commissions, also known as corporate kickbacks.
- With cash-strapped budgets, correctional agencies quickly became dependent on this new revenue stream and began requiring their telecom vendors provide surveillance technology and commission payments.
- In turn, correctional telecom corporations now use their government partners and the commission structure they pioneered as an excuse for charging families extortionate rates to stay connected with their incarcerated loved ones.
- And while calling rates have continued to grow inside correctional facilities, call rates in free society have dropped to nearly zero.

Don't people pay to communicate in free society?

- Not really, and certainly not to the degree they once did or that families with incarcerated loved ones are expected to.
- As of 2018, only 43% of adults and 33% of children still live in homes that have landlines, a steep decline from the 85% that did in 2007.¹³ And mobile phone plans charge in large part for data not traditional phone service.
- Many cities have begun providing free calling and WiFi services, which allow residents to use free online calling platforms such as Google Voice and Skype.
- Low-income families, like those supporting incarcerated loved ones, often depend on the federal programs for discounted phone services. Some don't have phones and communicate in person—the top communication form in one's own home.
- Conversely, costly calls are the only regular communication option for families with loved ones who are incarcerated.

Why is it not enough to eliminate commissions?

- Commissions increase the costs of calls from prisons and jails but are not the only factor in predatory call rates. There are plenty of cases in which the most expensive calls from a correctional facility are non-commissionable calls.
- Eliminating commissions does not automatically reduce call rates. In order for an agency to have its call rates reduced after eliminating its commissions, in most cases, it will still need to renegotiate its service contract, which may not result in a proportional reduction. And if the agency fails to renegotiate the contract or delays doing so, the call rates could remain the same, and rather than the government collecting a portion of the revenue, the company would merely keep all of it.

Can we use contracting to solve the problem? If not, then what happens to the contract?

- Contracting got us here, it's not going to get us to where we need to be. Elected officials must pass legislation that protects those who contracting has failed to. Legislation should govern contracts; contracts should not govern legislation.
- Without bearing the cost of communication, government agencies will not be incentivized to contract for better rates. And so long as commissions remain permissible, governments will have a perverse incentive to increase rates.
- Most corporate contracts have a clause that invalidates any contract term that becomes illegal due to changes in law. Further, corporations generally do not have the right to pull out of a contract without at least meaningful notice, nor is it in their interest to pull out of a financially beneficial contract early. Thus, passing legislation is incredibly unlikely to create an interruption in service.
- Conversely, most correctional telecom contracts allow for the government to terminate the contract at any time without cause with little to no notice. Thus, most jurisdictions that have passed legislation or regulations that govern correctional phone rates have merely renegotiated existing contracts, though termination and procurement is always an option.

We are dependent on commission revenues, what do we do?

- The commission model is unethical and unsustainable and undermines the stated correctional priority of preparing people for success upon release. The budget gap felt by correctional agencies must be addressed by their governing body.
- Charging families a regressive tax for communication shifts the cost of core government functions onto communities of color and poverty that are disproportionately targeted by the criminal legal system.
- Commissions have been declining in recent years due to federal regulations that have limited the scope of commissionable revenue and changes in calling trends. Additionally, ongoing advocacy efforts at federal, state, and local levels have made meaningful headway in recent years that threaten future commissions. It would be prudent for correctional agencies to prepare for significant changes to commission practices and stop depending on commission revenue sooner than later.

What is the cost of providing voice communication services in prisons and jails?

- Federal, state, and local governments that have considered fully funding communication services in prisons and jails have estimated the cost to be equal to the prior year's annual call revenue, including commissions, (i.e. what families paid) recorded by their telecom provider.
 - Eliminating commissions trigger a loss of revenue, while providing communication would create a cost.
- While a fair baseline, government agencies can negotiate even better contracts given that they are no longer looking for the service with the highest commissionable revenue but the lowest provision cost.

Has it been done?

- Yes, New York City became the first city to provide free phone calls out of its city jails in May 2019 after the New York City Council passed legislation requiring it do so in July 2018.
 - Prior to the change, New York City families were paying \$0.50 for the first minute and \$0.05 per minute after that for instate calls with incarcerated loved ones. Securus, its telecom provider, was paying the City an 81% commission on instate calls, which amounted to \$5 million per year. Securus took home another \$2.9 million on calls, not including deposit and other fees. The fiscal note associated with the bill was \$8 million.
 - The legislation include a 270-day implementation period to allow the Department of Corrections to renegotiate the existing contract it had with its telecom provider. Securus and the City quickly renegotiated the terms of the contract: (1) the City would pay \$0.03 per minute for all calls and (2) together they would monitor call volume for four month after implementation and Securus would install additional phones if call volume required it.
 - Call volume jumped 38% overnight when the law went into effect without incident. Based on the new volume and cost structure, the City is expected to pay \$2.5 million for the first year, representing a savings of nearly half a million dollars. Simultaneously, directly impacted families would see a savings of nearly \$10 million annually, money that would largely stay in their local New York City communities.
- San Francisco announced in June 2019 that it will also be providing communication at no cost at its county jail. Implementation is underway and expected in Spring 2020.
- Connecticut, Massachusetts, and New York, have introduced legislation to connect families with incarcerated loved ones at no cost with bill movement.
- In recent years, since the FCC's attempts to regulate instate calls in prison and jails were rolled back, several states have implemented state caps, including Alabama, Illinois, Louisiana, Massachusetts, Montana, New Jersey, and Ohio. California is currently considering legislation that would cap call rates.



Appendix

Model Legislation

A comprehensive bill that connects families impacted by incarceration should:

- Create a right to voice communication services regardless of technology
- Ensure meaningful access to voice communication services
- Allow for the introduction of new communication technology
- Require all available communication services be free to both the initiating and receiving parties
- Prohibit the government from collecting revenue on the provision of communication services
- Protect in-person, and where possible, contact visits

*An Act Regarding Communication with People
Confined to Correctional Facilities*

(1) State and local agencies charged with the operation and management of state prisons, local jails, and juvenile detention centers shall provide persons in their custody and confined in a correctional or detention facility with voice communication services at a minimum of 120 minutes per day and shall maintain a ten to one ratio of persons in custody to operable voice communication devices in each living unit. Such state and local agencies may supplement voice communication service with other communication services, including, but not limited to, video communication and electronic mail services. To the extent that such voice communication service or any other communication service is provided, each such service shall be provided free of charge to the person initiating and the person receiving the communication.

This clause establishes a minimum thresholds for access to voice communication so administrators cannot undermine the intent of the law by either directly restricting call time or by effectively limiting access to calls with insufficient infrastructure. The minimums were determined using input from incarcerated people and their families.

This clause ensures that the law applies to new communication technology like video calling services.

This clause ensures that incarcerated people and their support networks can communicate at no cost.

(2) No state or local agency shall receive revenue from the provision of voice communication services or any other communication services to any person confined in a state or local correctional or detention facility.

This clause prevents administrators from collecting kickbacks, often known as "site commissions," from telecom vendors.

(3) State and local agencies charged with the operation and management of state prisons, local jails, and juvenile detention centers shall provide persons in their custody and confined in a correctional or detention facility with in-person contact visits.

This clause prevents administrators from replacing in-person visits with technology like video calling services.

Polling Methodology

In November 2019, a leading data analytics firm polled 2,965 people in a national omnibus survey to predict support for legislation to stop prisons and jails from charging families to communicate with their incarcerated family member and test three messages. The results reflect the answers of the 2,760 people who responded to our polling question.

The survey presented participants with the following prompt:

Some states are proposing bills that would stop prisons and jails from charging families to communicate with their incarcerated family members. Currently prison telecom corporations charge as much as \$25 for a 15-minute call and give government agencies a cut of the profits. Due to the high cost of calls, one in three families goes into debt trying to stay in touch with an incarcerated loved one.

Participants then received one of the following statement of support:

Supporters say that this will protect and strengthen families, ensuring a mother never needs to choose between paying for rent and paying for her child to hear from their incarcerated parent.

Supporters say that this will strengthen the support systems incarcerated people depend on after release, reducing the chance that people commit another crime and making communities safer.

Supporters say that communication is the most cost-effective program prisons or jails can offer to improve reentry outcomes, and thus should be a budget priority rather than a cost paid by families.

Importantly, participants were also presented with a statement of opposition:

Opponents say that this will eliminate important revenues that are used to support rehabilitative programs and law enforcement needs and create taxpayer costs that incarcerated people and their families should pay.

Finally, participants were asked the following question:

Do you support or oppose this proposal?

The results were analyzed and then modeled to predict support for the proposal across various demographic and geographic groups. The model excludes participants who did not express an opinion on the polling question. On average, supporters of the proposal outnumber opponents two to one.

In this report, we provide the polling results for the statement of support that polled the strongest, which was the first of the statements listed above (referred to as the “strengthening families” statement). This statement of support polled 2.6% better than average and was used to inform the messaging throughout this report.

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