

AN OPEN LETTER TO MASSACHUSETTS' LEGISLATORS

May 23, 2024

Dear Members of the Legislature,

What if you lost 94% of your income? You would, of course, seek out alternative sources of funds. The Department of Correction, on the other hand, has chosen to do nothing, seemingly hoping the problem will go away on its own. The Lifer's Group Inc. at MCI-Norfolk (Facebook @LifersGroupMCINorfolk), Lois Ahrens, Executive Director of the Real Cost Of Prisons Project (realcostofprisons.org) in Northampton, and a few legislators have tried in vain to awaken the Department of Correction (DOC), the full legislature, and the Governor to a tidal wave of lost revenue beginning on July 1, 2024. To date, none has taken this looming jolt seriously.

The cause of this problem is the cessation of commissions paid to the DOC from vendors with whom the DOC has contracted to render services to prisoners. The major vendor is the Keefe Commissary Network (KCN) which sells commissary, clothing and appliance items to all prisoners in Massachusetts. In return, KCN pays the DOC a commission of 11% of all sales. That revenue primarily funds expenditures from individual institution's Inmate Benefit Funds. The commission revenue is expended with the approval of each superintendent. Major expenses exceeding \$1,000 must be approved by the Central Office in Milford.<sup>1</sup>

In addition, to institutional Inmate Benefit Funds, commissions are the primary sources of revenue for three Central Office accounts: the Law Library Fund, the Central Program Account, and the Central Inmate Benefit Fund.<sup>2</sup> The Law Library Fund receives monthly assessments from each institution equalivent to 20% of the institution's total revenue. Similarly, the Program Account receives monthly assessments of 10% of an instituion's total income. The Central Inmate Benefit Fund is financed directly from other commissions received from KCN.<sup>3</sup>

To put the loss of commissions into perspective, we can assess the impact on the six largest prisons in population counts: MCI-Norfolk

(1,169). Souza-Baranowski (1,042), MCI-Shirley (817), NCCI-Gardner (712). Old Colony Correctional Center (493) and the Massachusetts Treatment Center (472).<sup>4</sup> The total prisoner population of the six institutions was 4,705 or 78% of the total prisoner population in MA facilities of 6,011. Thus, the impact of the losses of commissions will be hardest felt at those six prisons.

In Fiscal Year 2023, the commissions received from KCN and the resultant sales at each institution were as follows:<sup>5</sup>

	Commissions	Sales
MCI-Norfolk	303,970.02	2,763,363.82
MCI-Shirley	219,547.84	1,995,889.45
NCCI	171,297.98	1,557,254.26
Souza - B.	169,087.49	1,537,163.18
OCCC	130,896.62	1,189,969.27
MA Treatment Ctr.	<u>92,465.72</u>	<u>840,587.45</u>
Totals	1,087,260.13	9,884,237.54

To put the dilemma into further perspective, the following gives the Total Revenue for each institution for Fiscal 2023 and the remainder left once KCN commissions were deducted.<sup>6</sup>

	Total Revenue	Total Commissions	Balance Left
MCI-Norfolk	320,581.45	303,970.02	16,611.43
MCI-Shirley	234,558.10	219,547.84	15,010.26
NCCI	184,049.60	171,297.98	12,751.62
Souza-B.	180,765.75	167,087.95	11,677.80
OCCC	142,632.00	130,896.62	11,735.38
MA Treat. Ctr.	<u>95,680.95</u>	<u>92,463.72</u>	<u>3,215.23</u>
Totals	1,158,267.85	1,087,260.13	71,001.72

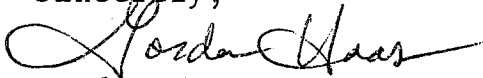
In summary, the six institutions will lose on average 94% of their total revenue once KCN is no longer required to pay commissions on their sales. The percentage losses for each institution from KCN commissions are: MCI-Norfolk (95%), MCI-Shirley (94%), NCCI (93%), Souza B. (94%), OCCC (92%), and the Treatment Center (97%).

While these calculations are based on Fiscal Year 2023 data,

there is no reason to believe that these data will not be repeated in Fiscal 2024. After July 1, 2024, the six institutions will have a mere 11,833.62 in average revenue for the entire fiscal year.

Should this not be corrected, it is frightening to ponder the effects on programs for prisoners in every facility. The DOC spends less than 1.5¢ per prisoner for programs from its own budget.<sup>7</sup> This then begs the question: how will the 1,087,260.13 shortfall be funded, if at all? The numbers do not lie. There is, however, one option left. Senate Bill S1493 filed by Senator Creem and House Bill H2315 filed by Representative Fluker-Oakley will correct the problem by requiring the DOC to fund programs at the same levels as in Fiscal Year 2023. Legislators, we need you to take the appropriate action to save much valued and effective programs for prisoners.

Sincerely,



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1. 103 DOC 476.10 through 476.12
2. For reports on the three Central Office accounts and DOC Expenditures and Staffing Levels prepared each year by the Lifer's Group Inc., please access: [realcostofprisons.org/writing](http://realcostofprisons.org/writing) or on Facebook @LifersGroupMCINorfolk.
3. Lifer's Group Inc., A Report on The Income And Expenses From The Massachusetts Department of Correction's Central Inmate Benefit Fund, Central Law Library Fund and Central Program Account For The Period of July 1, 2022 Through June 30, 2023, December 2023 at 1.
4. The source for the population totals for each facility was MA DOC Fact Cards as of January 1, 2024.
5. The commissions received were provided by the DOC pursuant to a public records request. The sales were calculated by the writer by dividing the commissions for each institution by 11%, the contracted rate of commissions.
6. The total revenue amounts were calculated by the writer by dividing the total assessments provided to the Central Law Library Fund by 20%. The amounts of the assessments per institution were provided by the DOC.

7. Lifer's Group Inc., MA DOC Expenditures And Staffing Levels For  
Fiscal 2023, December 2023 at 1.