

# PRISON POLICY INITIATIVE

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July 2, 2015

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: WC Docket No. 12-375

Comments re Second Further Notice of Proposed Rulemaking ¶¶ 145-151,  
video visitation

Dear Ms. Dortch:

On January 12, we submitted a report on correctional video visitation entitled *Screening Out Family Time: The for-profit video visitation industry in prisons and jails*.<sup>1</sup> The 33-page report, along with 29 exhibits, reviewed the state of the video visitation communication product, identified the trends in its use and misuse, and made 5 recommendations for the FCC and 18 other recommendations for state regulators, correctional and procurement officials, and the companies. When we submitted this report to you in response to the Second Notice of Proposed Rulemaking ¶¶ 145-151, we urged the FCC to “address the video visitation industry immediately after publishing regulations on in-state phone rates and ancillary fees in the prison and jail telephone market.”

In this letter, we will update you on trends in this industry since our report was submitted and make some additional recommendations regarding the timing and content of your hopefully forthcoming notice and order.

The major updates over the last six months are:

- **Video visitation is continuing to be added to more facilities.** At the time of our report, we had identified 511 facilities with video visitation. We now know of 563 facilities with video visitation, an increase of 10% over approximately six months.
- It turns out that **Securus was not the only company using contractual language to require facilities to ban traditional in-person visitation**<sup>2</sup>

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<sup>1</sup> The report and our collection of press coverage can be found at:  
<http://www.prisonpolicy.org/visitation/>.

<sup>2</sup> Some examples of Securus contracts with the contract clause banning traditional visits can be found here: <http://www.prisonpolicy.org/visitation/exhibits.html>.

in order to stimulate demand for the expensive video visitation service. A smaller company iWebVisit.com includes similar language, such as the following, which is from iWebVisit.com's contract with Solano County, California: "At a reasonable time after the consolidated visitation center (at the Stanton Correctional Facility or SCF) is in operation, then for non-professional visitors, to the extent consistent with applicable law and in accordance with Sheriff policies, Facility will eliminate all face to face visitation through glass or otherwise and will utilize video visitation for all non-professional on-site visitors." (See Exhibit 1)

- Due to dissatisfaction and the high rates, **family demand continues to be low**, as seen by the fact that we continue to see the much lower promotional rates extended or reduced even further. For example, in Chippewa County, Wisconsin, the contract for Securus video visitation states that video visits will be \$20 for 20 minutes,<sup>3</sup> but according to the Securus website, the current price is \$7.99 for 20 minutes. Figure 12 from our report found that families were much more likely to use the service when prices were low.
- It has become increasingly obvious just how **difficult it is for families of incarcerated people to access and pay<sup>4</sup> for these technology products**. Please see exhibit 2 about the demographics of computer ownership and internet usage.
- There continues to be disturbing evidence of **cross subsidizing between video visitation and other communications services**. For example, see "What this industry is doing: Major themes" in our report.<sup>5</sup>
- The public and the media have developed a clear consensus that banning traditional in-person visitation is counterproductive and immoral including editorials by *The Dallas Morning News*, *Austin-American Statesman*, *Street Roots* (Portland, OR), and *Press of Atlantic City* (Pleasantville, NJ). A number of jurisdictions have, since publication of our report, restored in-person visitation, including Multnomah County (Portland), Oregon and the District of Columbia. (See Exhibit 3)
- Securus has announced that it will no longer explicitly require county jails and state prisons to replace traditional family visits with video visits, and will instead shift responsibility for the decision to ban visits back to correctional officials. (For our explanation of why Securus understated the magnitude of this change, namely that far more than a "handful" of the company's contracts contain a clause that explicitly banned in person visitation, see Exhibit 4.)

While we have long urged the FCC to follow the lead of Alabama, which has adopted comprehensive prison and jail communications regulations that

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<sup>3</sup> The Chippewa County contract can be found here: <http://static.prisonpolicy.org/visitation/Exhibit4.pdf>

<sup>4</sup> The Bureau of Justice Statistics conducted personal interviews of 521,765 people incarcerated in state prisons in 1991 and found that 86% of those interviewed had an annual income less than \$25,000 after being free for at least a year. Allen Beck et al., *Survey of State Prison Inmates, 1991* (Washington, D.C.: Bureau of Justice Statistics, March 1993), p 3. Accessed on January 5, 2015 from: <http://www.bjs.gov/content/pub/pdf/SOSPI91.PDF>.

<sup>5</sup> The Washington County, Idaho Telpmate contract that mentions cross subsidizing can be found here: <http://static.prisonpolicy.org/visitation/Exhibit6.pdf>.

address telephones, ancillary fees, and video visitation, to whatever degree the FCC believes it needs more information, we urge the Commission to issue a Third Notice of Proposed Rulemaking to examine video visitation at the same time or shortly after the Commission's urgently needed second report and order on telephones.

Sincerely,



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**Attachments:**

Exhibit 1: Solano County, California iWebVisit.com Video Visitation Contract

Exhibit 2: The demographics of computer ownership and high-speed internet access

Exhibit 3: Video visitation editorials and news articles

Exhibit 4: Securus ends its ban on in-person visits, shifts responsibility to sheriffs