

EXHIBIT 3

Updates re: Second Further Notice of Proposed Rulemaking:
Video Visitation

Video visitation editorials and news articles

PRISON
POLICY INITIATIVE

As Jail Visits Go High-Tech, Isolation Grows - NBC News

Article by NBCNews



Twice a week, Ashika Coleman-Carter drives out to the Travis County Correctional Complex, in Texas, to visit her husband. But when she sits down to say hello, she doesn't look at him through the traditional shatter-proof glass. Instead, she sees Keith's face on a video screen.

"It just seems so impersonal," she said. "The old visits, even though you couldn't touch behind the glass, at least you could go into an actual visiting room and see someone's face. Now you can't get close to the person at all."

More than 500 prisons and jails across 43 states and Washington, D.C., now use video systems for visitation, according to a recent national survey from the Prison Policy Initiative, or PPI, a non-profit advocacy group.

The growth speaks to the tension at the heart of criminal justice today — how state and local governments can rein in costs while rehabilitating prisoners, and

without punishing their families. The balance struck may shape the future of visitation in America's massive criminal justice system.

The future of video visitation in highlights the ongoing tension between the push to cut the cost correctional facilities, and the effort to reduce the number of people we lock within them.

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Correctional facilities and companies say video systems reduce contraband, expand visiting hours and save on staffing costs because inmates can talk from their cell pods rather than having to be transported to a visiting room.

"Visitation going to video solves a lot of problems," said Dave Henion, of GTL, formerly known as Global Tel Link, one of the largest providers of the systems.

Push for profit?

Advocates and families say the end of in-persons visits stems from a harmful push for profit that isolates prisoners

and strains already-stretched family budgets.

"Incarceration has an effect on more people than those who are incarcerated-it affects families," said Bernadette Rabuy, PPI's policy and communications associate. "We shouldn't be punishing families trying to stay in contact with their loved ones."

"Ideally in concert with in-person visitation," video visitation has the potential to be a benefit both facilities and families, a [recent study](#) by the Department of Justice found. State prisons have typically used remote visitation in concert with contact visits, but PPI found 74 percent of jails that implemented the technology subsequently banned in-person visitation.

Most video systems have two prongs. In the jails, visitors like Coleman-Carter sit down in front of a terminal and visit with inmates who sit at a terminal inside their cell pod. Most video systems now also allow for Skype-like visitation, where family can sign on and speak with loved ones from home for a fee, generally between \$5 and \$20 for a 20-minute visit. Critics of the systems say jails have gone to video-only visitation to encourage the fee-based home visits. But the money and technology limitations have made some families slow to choose that option.

Coleman-Carter, whose husband was sentenced to about 45 days for "resisting search," sees the potential in remote

visiting -- less travel, shorter waits, easier scheduling. "If you had the proper Internet services and stuff, I would recommend doing it at home," she said.

For families of those incarcerated, that can be a big if.

Coleman-Carter, 34, doesn't have high-speed Internet at home. She tried using a hotspot on her phone once, but it didn't work well. Then there's the cost. Securus Technologies, another industry leader, which runs Travis County's video system, charges \$20 for a 20 minute remote session. She said that's a lot to pay for a visit that, even on jail grounds, is often interrupted by static and buffering that eats away at precious minutes. "They won't give you that time back," she said. So rather than spend \$1 a minute, she drives down to the jail where visitation is still free.

Complaints about the systems often focus on details. The arrangement of cameras prevents eye contact. Slow connections can interrupt audio and video. Because the terminals are set up within jail common areas, the visits can be interrupted, or overheard, by others nearby.

Doesn't 'feel right'

"When it's on TV, you just don't feel right," said John Morgan, who uses on-site video visitation when visiting his son at the Del Valle Correctional Institute in Travis County. "I like to see my son, that he's alright. The only thing

you can see is his face. You can't see his body. He's sitting there in the cell thing."

Visits are also recorded, which has been a benefit for facilities often concerned with security. While it is legal for officials to monitor personal visits, attorney-client visits are privileged. Last year, defense lawyers [sued](#) Travis County and Securus for allegedly recording and listening to confidential phone and video conversations between lawyers and their clients incarcerated at the jails. Litigation is ongoing.

While systems often face initial pushback, said Henion of GTL, visitors settle into the change. "You always come up with instantaneous resistance from the public," he said. "We know the wave of initial impact and how that starts to level off over a 90-day period."

But critics worry the shift could have a lasting effect on incarceration rates and families, as well as punishing those who have not necessarily done wrong. Research over the last several decades has linked family contact with a lower likelihood of reoffending. State prisons have tended to use video visitation to augment contact visits, helping those serving long-term keep in touch with family.

People in jail have shorter stays than those in prison, but advocates say the replacement of in-person with visitation could nevertheless have wide-reaching impacts. There are some 12 million jail admissions per year, about 19 times the admissions into state and federal

prisons. According to a [report](#) from the non-partisan Vera Institute of Justice, about two thirds of those in jail have not been convicted of a crime.

"Seventy three percent of the people in our jail have not been convicted--that means they are innocent until proven guilty," said Dallas County Judge Clay Jenkins, a leading official in Dallas, Texas, who opposed ending in-person visitation at the local jail. "And 100 percent of their family, their spouses and their children are innocent, who are the people who end up paying for this."

The question of who pays for the system, and who profits, may shape the future of visitation in U.S. correctional facilities. Their increasing use in local jails comes in part because the largest video visitation companies have offered many jails "budget neutral" contracts to encourage the adoption of the systems.

Besides offering commissions, Securus and GTL regularly front the cost of the video systems, which can run hundreds of thousands of dollars. Facilities, however, often receive commissions only after the company has recovered the cost of its system through remote, fee-based visiting--which has led some facilities to both expand remote visiting hours while ending traditional visiting.

Securus Technologies has taken it a step further, requiring in its contracts that facilities from Denton County, Texas, to Shawnee County, Kansas, "eliminate all face-to-face visits," except for

"professional" visits, such as those with attorneys.

In response to questions from Dallas County during the contract negotiation with the Texas county last year, Securus described the financial underpinning of the policy: "The implementation of at home visitation assists us in recovering the costs." Securus did not respond to NBC News queries in time for publication.

But eliminating face-to-face visits sparked a backlash in Dallas County and Multnomah County, Oregon, home to Portland. After protest from families and advocates, both jurisdictions amended their contracts with Securus to retain some in-person visitation.

Advocates said the push to expand video visitation may be an effort by companies to cushion the blow of recent regulation by the Federal Communications Commission of the \$1.2 billion correctional phone industry.

It's about efficiency

"I absolutely think that the rapid emergence of video visitation contracts at county jails is a reaction to the FCC ruling that put a cap on prison phone call rates," said Kymberlie Quong Charles of Grassroots Leadership, a Texas-based non-profit that has [opposed](#) the move to video-only visitation.

The FCC described its actions as "long overdue steps to provide relief to the

millions of Americans paying unjust and unreasonable interstate inmate phone rates."

Calls that once could run nearly \$17 for 15 minutes have been capped to between 21 and 25 cents per minute. The FCC is now considering a ban on commissions from companies to state and local governments, as well as a reduction or elimination of other calling fees. While regulators have indicated they may consider future rules on video visitation, for now the nascent industry remains unregulated.

But even without the rules, those in corrections say the move is less about profit than about running facilities well.

"We were encouraging the video visiting process because it was more efficient," said Lt. Steve Alexander, public information officer for Multnomah County Sheriff's Office. After backlash from the community, Multnomah decided to maintain in-person visits. Alexander said they may be cut back to a single day each week.

Remote video visitation, however, will be offered 80 hours per week, as required in the Securus contract, which also bars facility from placing limits on inmates' ability to conduct remote visits except as punishment. Though the system is new, Alexander said it seems to be working well.

"We have had no complaints about the system," said Alexander. "I believe that

the expanded access has been really a bonus thing for the inmates."

First published February 27 2015, 6:30 AM

