

EXHIBIT 3

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

Video visitation editorials and news articles

PRISON
POLICY INITIATIVE

Conditions behind bars

Screening visitors

ATLANTA

Prisons profit by stopping family visits

“I KNOW that my son is moving and talking on the other side of the screen, but when the video freezes you have to start the conversation all over again,” one mother says. She is in Rhode Island; he is almost 2,000 miles away, in jail in Hays County, Texas. “The picture is grainy and I can never see how he really is,” she explains, “but these sessions mean a lot because I’m so far away.”

A new study by the Prison Policy Initiative finds that families with relatives in 511 lockups across America are in a similarly bleak situation. Some 386 jails—about 12% of the total—offer “video visits”. Peter Wagner, one of the study’s authors, calls the spread of these services “a scandal” that remains “totally off the radar”.

The option of a video visit might be useful for loved ones who live far away, so long as in-person visits are also allowed. But many prisons offer screen time instead of face time, arguing that prisoners do not need the latter since they can have the former. What is more, kiosks for calls are in public spaces, meaning that inmates



No touching allowed

have to be careful what they say. And calls are costly: \$29.95 for 20 minutes of talk in Wisconsin’s Racine County, for example. Securus, a large firm providing communications services to 2,200 lockups, typically charges a dollar a minute for a video call (see chart).

Five of the seven main companies that run video chats, including Securus, require a chunk of time to be bought in advance of a scheduled call—irritating if glitches ruin a session, as they often do. Before May 2014, when Clark County, Nevada revamped its Renovo video system, more than half of its average of 15,000 monthly video visits were cancelled after technical problems.

Most jails let relatives make a few free video calls if these are conducted within the prison itself. But travelling a long way, only to sit behind a computer screen, is time-consuming and frustrating. And in-person visits ought to be encouraged: just one can reduce the likelihood of an inmate reoffending by 13%, according to a study in 2011 by the Minnesota Department of Corrections. Incredibly, 74% of jails have banned visitors from seeing inmates after introducing video services. Securus has even demanded it. (The firm did not return requests for comment.)

Complications may arise from all this. Lawyers may claim that communicating with their clients only through video calls is a violation of due process, says Patrice Fulcher of John Marshall Law School. The possibility of recording such conversations could also lead to the leaking of privileged information. “This whole situation exploits people on the inside and their families on the outside,” Ms Fulcher says. “It’s like

we’re serving the sentence with them,” says the mother from Rhode Island.

Darren Krieghauser, an executive at HomeWAV, a company which provides video services to 50 lockups, disagrees. He says inmates have managed to get married and see their newborn children using his company’s terminals. He stresses that the question of whether or not to allow in-person visits “is completely up to each individual jail”.

Often, though, officials prefer to stop them. First, they get nervous when prisoners leave their cells. Second, jails may receive a commission from the money made using off-site video calls (typically, 20% from Securus and 10% from JPay, another provider). However, sheriffs hoping to fill up county coffers this way may well be disappointed. Securus estimated that Hopkins County, Texas would scoop \$455,597 over five years from its 70% cut of earnings from both video visits and phone calls. But in the 2014 fiscal year the county pulled in less than half of what it had expected. Often the cost of installing the video equipment has to be recovered first, meaning that some chokeys will see no cash from video calls for years to come.

The scandal has attracted scant attention from politicians. In theory, the Federal Communications Commission could cap the cost of video calls, but it is up to state lawmakers to insist that prisoners are allowed to meet their loved ones in the flesh.

Still, even as one part of the criminal-justice system profits from misery, another abuse may be abating slightly. On January 16th Eric Holder, the soon-to-retire attorney-general, said he would curb joint federal-state “civil forfeiture” actions. This is when the police seize houses, cars, money and other assets that they suspect are the proceeds of crime, without having to prove it. Cash from auctioning these assets often goes to pad police budgets and pay for new kit—a clear conflict of interest, civil libertarians complain. More than 15,000 such seizures occurred in 2010, generating \$2.5 billion. Many states will continue to allow them, arguing that they are a useful tool for hobbling drug dealers. ■

