

[2015 Session] Prohibit Texas Jails and Prisons from Eliminating Face-to-Face Visitation or Accepting Commissions from Video Visitation Contracts

Policy Background:

Face-to-face visitation in the corrections setting positively impacts family unification, increases the likelihood of a successful reentry, and improves jail security. Despite these benefits, jails in Texas have begun to eliminate (or consider eliminating) face-to-face visitation in favor of video-only visits.

Texas policy-makers should prohibit the full elimination of face-to-face visitation in Texas jails and prisons. Video visitation should be permitted to supplement in-person visitation, providing an additional means of communicating with incarcerated loved ones.

Policy-makers should also prohibit Texas jails or prisons from accepting commissions from any increase in the utilization of video visitation within the facility.

Key Facts:

- There is evidence that phone calls between defendants and their attorneys have been recorded, and that prosecutors are using evidence gained from jail-initiated calls and video visits to secure convictions. This is a constitutional violation of the right to be free of unreasonable searches, and it may lead to unnecessary legal expenses to municipalities in the form of lawsuits against the practice itself or appeals of convictions gained by questionable means.[\[1\]](#)
- Family support is crucial to maintaining the relationships between those incarcerated and those who love them, especially as it pertains to developing and maintaining bonds between parents and children. In fact, the separation between child and parent due to incarceration can result in feelings of guilt and shame, social stigma, loss of financial support, weakened ties to the parent, poor school performance, increased delinquency, and increased risk of abuse or neglect. Visitation, as one paper points out, “substantially decreases the

negative impacts of incarceration by preserving the child's relationship with the parent.”[2]

- One study looked at over 16,000 incarcerated individuals and examined visitation over their entire sentences, finding that any visit reduced recidivism by 13 percent for new crimes and by 25 percent for technical violations.[3] It is worth pointing out that every one of these visits was conducted face-to-face and in person.
- Prison and jail administrators have long recognized that visitation can be a powerful management tool. Incarcerated individuals treasure those times with their family and friends, and corrections officials have always used the threat of losing visits as an incentive for good behavior. Eliminating that tool “may not provide as strong a disincentive to disciplinary infractions in the prison, thereby decreasing rather than increasing security in correctional facilities.”[4]
- Travis County (Austin) transitioned to video-only visitation in its jail in May 2013. Total disciplinary infractions and incidents increased, as did assaults, within the year after the elimination of in-person visitation. Possession of contraband infractions also increased.

Disciplinary infractions in the Travis County Correctional Complex **climbed** from approximately 820 in May 2012 to 1,160 in April 2014. The facility averaged 940 disciplinary infractions per month during the prior year and it has averaged 1,087 disciplinary infractions per month since then.

Disciplinary cases for possession of contraband in the facility **increased** an overall 54 percent from May 2013 through May 2014.

Inmate-on-inmate assaults saw a 20 percent **increase** between May 2012 and May 2014.

Most troubling, inmate-on-staff assaults immediately **doubled** after elimination of in-person visits, going from three in April 2013 to six in May 2013, climbing to seven in July 2013, and topping out at eight in April 2014, with slight declines in between.[5]

- Video visitation can be expensive for “visitors,” with fees averaging 50 cents per minute for a 20-minute call. In addition, many companies require a minimum deposit for opening a video account and do not readily refund the balance if a prisoner is released.

- Using video visitation technology requires computer literacy, which becomes a barrier for many desiring to use the service. Even those with a firm grasp of computer technology report frustration dealing with the many glitches and interruptions of service.
- The American Bar Association (ABA), in its *Standards on Treatment of Prisoners*, makes it clear that visitation policies for incarcerated individuals should include in-person visits. The ABA emphasizes that correctional officials should “develop and promote other forms of communication between prisoners and their families, including video visitation, provided that such options are not a replacement for opportunities for in-person contact.”^[6]

Relevant Bills:

- **Bill Number:** [HB 549](#) (authors: Johnson, Romero, Jr., Stickland, Wu, Rose | sponsor: Whitmire)
Bill Caption: Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.
TCJE Materials: [Fact Sheet](#)
House Hearing Notice: House County Affairs Committee, [Notice of Public Hearing on April 9, 2015](#)
Archived House Hearing Video: House Corrections Committee, [04/09/15 Video](#) [TCJE testimony begins at 04:58:54 and 05:01:15]
Senate Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on May 21, 2015](#)
Archived Senate Hearing Video: Senate Criminal Justice Committee, [05/21/15 Video](#) [TCJE testimony begins at 01:12:43]
Outcome: [Effective 9/1/15](#)
- **Bill Number:** [SB 231](#) (Whitmire)
Bill Caption: Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

Relevant Media:

- **International Business Times,** “[Video Chats Are Replacing In-Person Jail Visits, While One Tech Company Profits](#)” [[April 8, 2015](#)]
- **Palestine Herald-Press:** “[Jailhouse video visits drawing static](#)” [[January 16, 2015](#)]

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- [1] *Austin American-Statesman*, "Lawsuit: Travis County inmates' calls to defense lawyers were recorded, shared with prosecutors, April 28, 2014;
<http://www.mystatesman.com/news/news/crime-law/lawsuit-travis-county-inmates-calls-to-defense-law/nfktr/>
- [2] University of New Mexico, *Child Protection Best Practices Bulletin: Connecting Children with Incarcerated Parents*, 2011;
<http://childlaw.unm.edu/docs/BEST-PRACTICES/Connecting%20Children%20with%20Incarcerated%20Parents%20%282011%29.pdf>
- [3] Minnesota Department of Corrections, *The effects of prison visitation on offender recidivism*, 2011;
<http://www.doc.state.mn.us/PAGES/files/large-files/Publications/11-11MNPrisonVisitationStudy.pdf>
- [4] C. Boudin, A. Littman & T. Stutz, *Prison visitation policies: A fifty-state survey*, Social Science Research Network, 2014, p. 31;
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2171412
- [5] Grassroots Leadership and Texas Criminal Justice Coalition, *Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price*, October 2014, p. 4.
- [6] American Bar Association, *ABA Criminal Justice Standards on Treatment of Prisoners: Standard 23-8-5 Visiting*, 2010;
http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners.html#23-8.5