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FACT SHEET 2015

HB 549

## Encourage In-Person Visitation in Texas Jails and Prisons

### *Video-only Visitation Policies Negatively Impact Families, Jail Conditions, Public Safety, Taxpayers*

#### AS VIDEO-ONLY VISITATION EXPANDS, COUNTIES FACE SAFETY CONCERNS AND POTENTIAL LAWSUITS

At least 11 Texas counties – including Bastrop, Brazos, Ellis, Fort Bend, Galveston, Hays, McLennan, Midland, Smith, Tom Green, and Travis – have eliminated face-to-face visitation between individuals incarcerated in their jails and their families. As of January 1, 2015, these county jails housed nearly 7,300 individuals,<sup>1</sup> representing almost 12 percent of Texas' total county jail population; these individuals, many of whom have not yet been convicted of any crimes, are not allowed face-to-face visits with their loved ones.

The number of individuals denied face-to-face visitation is sure to rise. Bexar County has plans to do away with in-contact visitation this year, bringing the total number of individuals denied in-person visits to almost 12,000, or just under 20 percent of Texas' county jail population.

The move to prohibit face-to-face visitation and provide only video visitation in Texas jails is predicated on various claims: some argue it is a best practice, that it will allow staff to be allocated in a more cost-efficient manner, and that it will result in safer jails. While the second claim may have some validity, the others are refuted by various studies and, in one case, by a comparison of disciplinary incidents in the Travis County Jail that occurred while in-person visits were allowed and since such visits were eliminated, showing violence and contraband increasing after video-only visitation was implemented.

Also alarmingly, there is evidence that jail officials are providing recordings of privileged communications between attorneys and their incarcerated clients to prosecutors.<sup>2</sup> If true, this is a clear 4<sup>th</sup> Amendment violation and can lead to significant county expenses in the form of litigation costs and settlements.

#### KEY FINDINGS

- ***In-Person Visitation Decreases Recidivism:*** One study looked at over 16,000 incarcerated individuals and examined in-person visitation over their entire sentences, finding that just one visit reduced recidivism by 13 percent for new crimes and by 25 percent for technical violations.<sup>3</sup>
- ***Video-Only Visitation May Be Costly to Counties:*** A lawsuit by the Texas Civil Rights Project, the Prison Justice League, and various defense lawyers against Travis County elected officials and Securus Technologies, the provider of video services for the jail, was allowed to go forward by U.S. Magistrate Judge Mark Lane recently, raising the specter of payouts to affected individuals by Travis County.<sup>4</sup>
- ***Video-Only Visitation May Worsen Jail Safety:*** A study based on a response to Open Records Requests of visitation history in the Travis County Jail found that, compared to the year previous to eliminating in-person visitation, inmate-on-inmate assaults, inmate-on-staff assaults, possession of contraband, and overall disciplinary infractions increased the year following the implementation of video-only visits.<sup>5</sup>

Along those lines, prison and jail administrators have long used visitation eligibility as a way to manage jail populations; corrections officials can use 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.”<sup>6</sup>

## KEY FINDINGS (CONTINUED)

- ***In-Person Visitation Preserves the Parent-Child Bond:*** 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. Visitation, as one paper points out, “substantially decreases the negative impacts of incarceration by preserving the child’s relationship with the parent.”<sup>7</sup> Maximizing visitation opportunities is especially critical when the incarcerated parent was active in the child’s life prior to incarceration.<sup>8</sup>
- ***Video Technology is Not User-Friendly and Impedes Meaningful Communication:*** 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. Further, these technologies often make eye-to-eye communication impossible, exacerbating the sense of confusion and isolation endured by families when a loved one is incarcerated.

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 549 BY REPRESENTATIVE JOHNSON

- **HB 549 will require all Texas county jails to provide in-person visitation, thereby strengthening families, improving jail conditions, and lowering recidivism.** Face-to-face visitation improves the family bond, provides a corrections management tool, results in lowered rates of re-offending, and can provide other benefits to incarcerated individuals, those who work in corrections facilities, and local taxpayers.
- **HB 549 will not prevent county jails from using video visitation but will ensure that the opportunity for in-person visitation is provided by all jails.** Video visitation can be a beneficial supplement to in-person visitation, especially for those who live far from an incarcerated loved one, but it is crucial that family members have the opportunity to take advantage of policies that enhance family support and contribute to public safety through lowered recidivism rates.

## Citations

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<sup>1</sup> Texas Commission on Jail Standards, *Abbreviated Population Reports for 1/1/2015*, <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>.

<sup>2</sup> *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/>.

<sup>3</sup> 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>.

<sup>4</sup> *Texas Lawyer*, “Lawyers score win in recorded jail calls lawsuit,” February 10, 2015, <http://www.texaslawyer.com/id=1202717562467/Lawyers-Score-Win-in-Recorded-Jail-Calls-Lawsuit>.

<sup>5</sup> Grassroots Leadership and Texas Criminal Justice Coalition, *Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price*, October 2014, 4.

<sup>6</sup> C. Boudin, A. Littman & T. Stutz, *Prison visitation policies: A fifty-state survey*, Social Science Research Network, 2014, 31, [http://papers.ssrn.com/sol3/papers.fm?abstract\\_id=217141210](http://papers.ssrn.com/sol3/papers.fm?abstract_id=217141210).

<sup>7</sup> 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>.

<sup>8</sup> Susan D. Phillips, *Video Visits for Children Whose Parents are Incarcerated*, The Sentencing Project, 2012, 5, [http://sentencingproject.org/doc/publications/cc\\_Video\\_Visitation\\_White\\_Paper.pdf](http://sentencingproject.org/doc/publications/cc_Video_Visitation_White_Paper.pdf).