SUMMARY ACTION MINUTES

SPECIAL MEETING
ORANGE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP

Thursday, January 21, 2016, 3:00 P.M.

PROBATION DEPARTMENT
Training Room 5
1001 S. Grand Ave.
Santa Ana, California

STEVE SENTMAN, Chair
Chief Probation Officer

TODD ELGIN
Chief of Police, Garden Grove

MARY HALE
Health Care Agency

SANDRA HUTCHENS
Sheriff-Coroner

SHARON PETROSINO
Public Defender

TONY RACKAUCKAS
District Attorney

ATTENDANCE: Members Elgin, Hutchens, Petrosino, Sentman, Mugrditchian (Alternate for Hale) and Yonemura (Alternate for Rackauckas)

EXCUSED: Members Hale and Rackauckas

COUNTY COUNSEL: Saul Reyes, Deputy

CLERK OF THE PARTNERSHIP: Jamie Ross, Deputy

ADMINISTRATIVE MATTERS:

1. Welcome and Introductions
PRESENTED

2. Discussion and approval of 2015 Public Safety Realignment in Orange County Report
34125678 **DISCUSSED; APPROVED AS PRESENTED**
xx

3. Discussion and approval of the FY 2016-17 proposed AB 109 funding allocation
38124567 **DISCUSSED; APPROVED AS PRESENTED**
x x

SUMMARY ACTION MINUTES

4. Discussion and approval of reallocation of unspent allocation to Departments with FY 2015-16 shortfalls
48123567 **DISCUSSED; APPROVED AS PRESENTED**
x x

5. Discussion of Orange County Community Corrections Partnership membership
CHAIR SENTMAN INTRODUCED SHARON PETROSINO, INTERIM PUBLIC DEFENDER

RONNETTA JOHNSON, COMMUNITY SERVICE PROGRAMS, AGREED TO BE REPRESENTATIVE FOR CSP (VICTIMS REPRESENTATIVE)

6. Realignment Updates:

- Probation
- Sheriff
- District Attorney
- Public Defender
- Courts
- Health Care/Mental Health
- Local Law Enforcement
- Board of Supervisors
- Social Services
- OC Community Resources
- OC Department of Education
- Community-Based Organization (Representative)
- CSP (Victims Representative)

P.O. **DISCUSSED; SHERIFF DEPARTMENT TO LOOK AT STARTING A WORKING GROUP WITH HCA, SSA, PROBATION, ETC. TO FIND A WAY TO INCREASE SIGNING UP INMATES AND THOSE THAT ARE ON SUPERVISED RELEASE FOR THE AFFORDABLE CARE ACT/MEDI-CAL**

PUBLIC & PARTNERSHIP COMMENTS:

PUBLIC COMMENTS:

Carole Urie – Email Re.: Video Visitation in jails.

PARTNERSHIP COMMENTS:

Chair Sentman – Oral Re.: Board of State and Community Corrections annual report of implementation plans. Asked Probation staff to look at report and share with working group. Also look at Pew and local universities for data and outcome measures and potential participation in their study on best practices as it relates to recidivism reduction at no cost to the County.

ADJOURNED: 3:51 P.M.

SUMMARY ACTION MINUTES

*** KEY ***

Left Margin Notes

1 Todd Elgin	A = Abstained
2 Mary Hale	X = Excused
3 Sandra Hutchens	N = No
4 Sharon Petrosino	P.O. = Partnership Order
5 Tony Rackauckas	
6 Steve Sentman	
7 Annette Mugrditchian (Alternate)	
8 Steve Yonemura (Alternate)	

(1st number = Moved by; 2nd number = Seconded by)

/s/_____
STEVE SENTMAN
Chair

*/s/*_____
Jamie Ross, Deputy
Clerk of the Partnership

The 4th Annual Report on

PUBLIC SAFETY REALIGNMENT IN ORANGE COUNTY

DRAFT

ANNUAL REPORT

2015

Vision Statement:
"Enhancing the quality of life of Orange County residents by promoting public safety, reducing recidivism and creating safer communities."

*The **Mission** of the Orange County Community Corrections Partnership is to enhance public safety by holding offenders accountable and reducing recidivism by utilizing fiscally responsible, quantifiable, evidenced based and promising practices that support victims and community restoration.*

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Contributors to the Report

Orange County Probation
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Marya Forster, MBA
Ed Harrison
Shirley Hunt, Ph.D.
Cheryl Sannebeck, M.Ed.
Steve Sentman
Erik Wadsworth

Orange County Courts

Orange County Health Care Agency
Mitch Cherness
Mary Hale
Kim Pearson, MHA, MBA

Orange County District Attorney

Orange County Public Defender
Frank Ospino
Sharon Petrosino

Orange County Sheriff Department
Sandra Hutchens
Steve Kea

Garden Grove Police Department
Todd Elgin

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Community Corrections Partnership Executive Committee

Steven J. Sentman, Chief Probation Officer (Chair)
Sandra Hutchens, Sheriff
Tony Rackauckas, District Attorney
Frank Ospino, Public Defender
Mary Hale, Health Care Agency
Todd Elgin, Chief, Garden Grove Police Department

As approved by the Executive Committee of the Community Corrections Partnership

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Executive Summary

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act (Realignment) was signed into law on April 4, 2011 and took effect October 1, 2011.

Realignment made some of the largest and most pivotal changes to the criminal justice system in California. In short, Realignment transferred the responsibility for supervision of felons (excluding high-risk sex offenders) released from prison whose commitment offenses are statutorily defined as non-serious and non-violent to the 58 counties. Offenders convicted after October 1, 2011 who have no current or prior statutorily defined serious, violent, or sex-offense convictions serve time locally (regardless of length of sentence) with the possibility of community supervision in place of time spent in custody.

Realignment established the Postrelease Community Supervision (PCS) classification of supervision, altered the parole revocation process placing more responsibility in local jurisdictions, gave local law enforcement the freedom to manage offenders in a more cost-effective manner, and charged the Community Corrections Partnerships (CCPs) with planning and implementing Realignment in each county as of October 1, 2011. Also, effective July 1, 2013, parole violations are housed, prosecuted and tried locally. Realignment created an unprecedented opportunity for all 58 California counties to determine an appropriate level of supervision and services to address both the needs and risks of individuals released from prison and local jails into the community. With the passage of Proposition 30 in 2012, Realignment is ensured a continuous source of State funding. For Fiscal Year 2015-16, Orange County was allocated 6.3939% of the total appropriated by the legislature for Realignment, which equates to $67,779,309.

For the four years since Realignment was implemented (October 1, 2011 - September 30, 2015) 5,296 individuals have been released to PCS and 2,700 sentenced to Mandatory Supervision (MS) in Orange County. Nearly all departments in the Orange County Community Corrections Partnership (OCCCP) had to increase staff to address the needs and legal mandates of PCS, MS and Parole Violation offender populations. Realignment data through September 2015 for Orange County demonstrate that the vast majority of the three offender groups supervised by the Orange County Probation Department (OC Probation) have not had convictions for new crimes within one, two or three years of release from custody or adjudication of their case: 74% of general supervision Probationers, 78% of PCS, and 70% of MS have no convictions for new crimes within one year. In addition, 64% of Probationers, 65% of PCS, and 56% of MS have no convictions for new crimes within two years. Finally, 60% of Probationers, 55% of PCS, and 52% of MS have no convictions for new crimes within three years.

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The most significant event this reporting year was the passage of Proposition 47 in November 2014. Proposition 47 reduced many non-serious drug and some property crimes from felonies to misdemeanors. Additionally after November 2014, simple narcotic possession cases and some theft cases were permanently reclassified as straight misdemeanors. Proposition 47 permitted convicted felons to petition the court to have their felony cases reduced to misdemeanors. In many of these cases, the petitioner's formal probation, MS or PCS was changed to informal probation. Proposition 47 has led to fewer cases being handled by the District Attorney's Office AB 109 unit. OC Public Defender Realignment team of attorneys was active in identifying and filing Proposition 47 petitions. OC Probation experienced a decrease in the number of actively supervised offenders. OC Sheriff's Department had a decrease in the number of 1170(h) bookings and the overall jail population. The impacts of Proposition 47 are profound and will continue to be monitored by each County agency.

Realignment Legislation

Redefined Felony Sentencing

Individuals convicted of certain felonies on or after October 1, 2011 may be sentenced to Orange County Jail for more than 12 months. Individuals sentenced under Penal Code (PC) § 1170(h) can receive a sentence that falls within a low, middle or upper term of incarceration based on their specific offense. Some felony offenses - serious, violent and sex offenses - are excluded from sentencing under 1170(h) and thus will be sentenced to state prison time. Pursuant to 1170(h) an individual convicted of a non-serious, non-violent, non-sex offense may be sentenced to serve that entire time in county jail, or may be sentenced to serve that time split between county jail and Mandatory Supervision (MS). Offenders sentenced to MS are also the responsibility of OC Probation.

Postrelease Community Supervision

Those released from state prison on or after October 1, 2011 who had been incarcerated for a non-serious offense, pursuant to PC § 1192.7(c), a non-violent offense, pursuant to PC § 667.5(c), or a sex offender deemed not high-risk, as defined by California Department of Corrections and Rehabilitation, were released to a local jurisdiction based on their county of residence at time of conviction for supervision under PCS. These individuals may have prior violent or serious offenses, or be registered sex offenders. PCS supervision cannot exceed three years.

Custody Credits

With the enactment of Realignment, PC § 4019 was amended to allow for those sentenced to county jail to receive pre and post-sentence conduct credit of two days for every four days actually spent in custody; resulting in sentences being served more quickly if the inmate receives the maximum conduct credits. This is the same conduct credit offenders receive when serving time in state prison.

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Alternative Custody Program

SB 1266 allows for non-serious, non-violent and non-sex offenders to serve part of their sentence in a non-custodial facility such as a residential home, non-profit drug-treatment program or transitional-care facility. Alternative custody is an integral part in reintegrating these individuals back into their community.

2015 Legislation

SB 231 amended section PC § 3003 (h) to authorize probation to grant relocation of postrelease community supervision offenders in circumstances where a victim of a stalking related offense makes the request that the offender does not reside at a location within 35 miles of the victim's actual residence or place of employment if the probation department determines that relocation is feasible and appropriate.

Community Corrections Partnership

Local Planning

Senate Bill 678, which preceded the adoption of Realignment, required each county to establish a "Community Corrections Partnership" (CCP). For Orange County, the local CCP (OCCCP) collaborative group is charged with advising on the implementation of SB 678 funded initiatives and Realignment programs. Realignment tasked the OCCCP to develop and recommend a plan for consideration and adoption by the Orange County Board of Supervisors (Board). The OCCCP original plan required by Realignment was adopted by the Board on October 18, 2011.

Chaired by the Chief Probation Officer, the OCCCP oversees the Realignment process and advises the Board in determining funding and programming for the various components of the plan. The OCCCP includes an Executive Committee which, pursuant to bylaws adopted by the OCCCP consists of the following voting members: the Chief Probation Officer; the County Sheriff; the District Attorney; a Chief of Police; the Public Defender; and the Director of County Social Services or Mental Health or Alcohol and Drug Services (as determined by the Board). The original Public Safety Realignment Plan, along with the update, was developed by OCCCP members, their designees, and other key partners.

For more information on Community Corrections Partnership Plans throughout California, please visit the Board of State and Community Corrections website (http://www.bscc.ca.gov/s_communitycorrectionspartnershipplans.php).

The OCCCP presents this report as the fourth annual report on Realignment in Orange County. Whenever possible, figures that are noted in this report will cover the one-year period between October 2014 and September 2015. An overview of the practices and programs utilized to improve services and outcomes for Realigned individuals and the community is also included in this report. Previous years' reports can be found on the Postrelease Community Supervision page of OC Probation website (http://ocgov.com/gov/probation/prcs).

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OC Realignment Accomplishments

As Realignment continues to evolve, progress has been and continues to be made throughout each of the agencies involved in the Orange County Community Corrections Partnership. Below are some of the notable accomplishments that have been achieved for each of the three major goals.

Goal #1: Implementation of a streamlined and efficient system in Orange County to manage our additional responsibilities under Realignment.

- Orange County is one of 12 counties participating in a Multi County Study by the Board of State and Community Corrections (BSCC) and the Public Policy Institute of California (PPIC). The goals of this study are: a) compile recidivism statistics for the full realignment population and range of recidivism measures; b) analyze relative effectiveness of different services, programming, sanctioning and other recidivism-reduction strategies; and c) assist counties with improvements in data collection and the use of data for continuous self-evaluation. PPIC anticipates releasing the results from the first round of data collection sometime in 2016.
- On October 27, 2015 the Board of Supervisors authorized the Chief Probation Officer to enter into a Memorandum of Understanding (MOU) with the United States Marshals Service Regional Fugitive Task Force (RFTF) for participation in a joint law enforcement operation to investigate, arrest or extradite local, state and federal fugitives, thereby improving public safety and reducing violent crime. The Orange County Sheriff's Department (OCSD) and the Orange County District Attorney's Office (OCDA) currently participate in RFTF.
- The Health Care Agency (HCA) and OC Probation received the 2015 National Association of Counties (NACo) award for "Providing Effective Behavioral Health Treatment and Resources in a Probation Setting" in the Criminal Justice/Public Safety and Health Category.
- HCA and OC Probation received the 2015 California State Association of Counties (CSAC) Merit Award for the "Removal of Treatment Barriers for Offenders." The CSAC Challenge Awards recognizes County programs for innovation and cost-effectiveness.

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Goal #2: Implementation of a system that protects public safety and utilizes best practices in reducing recidivism.

- OC Probation's Adult Re-entry team partners with the OCSD's Inmate Services unit to educate and assist offenders currently in jail serving custody commitments. The team's outreach efforts include both AB 109 classes specific to PCS and MS inmates along with "Back on Track" classes that are provided to all inmates regardless of supervision status. The classes address treatment and program options along with other services that will prepare the offender for successful community re-entry and increase offender accountability, rehabilitation and public safety.
- The BSCC awarded a $500,000 Community Recidivism Reduction Grant to Orange County in 2015. Orange County then released a Request for Proposals (RFP) for qualified organizations to provide transitional housing services in a sober living environment for adult offenders recently released from a correctional facility to OC Probation supervision.

- HCA provides to the Realignment population a wide scope of treatment options that addresses a variety of assessed needs such as substance abuse, mental illness, stable housing, sober living, and other needs. Client Evaluation of Self at Intake and during Treatment (CESI/CEST) data since November 2011 demonstrated that after receiving treatment, Realignment clients had higher motivation and readiness for change scores compared with the general HCA clientele in Orange County and also nationwide scores.
- On May 12, 2015, the Board of Supervisors approved the annual renewal of the current Adult Day Reporting Center (DRC) contract with BI Inc. In addition to the Realigned population, the contract was amended to include provision of re-entry services to the general supervision offender population. As a result, the average daily population increased from 44 in May 2015 to 84 as of September 2015. Between July 30, 2012 and September 30, 2015, the DRC processed a total of 1,009 referred offenders, 911 of whom had exited the program as of September 30, 2015.

Goal #3: Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

- In October 2015 OCSD established an MOU with the California Department of Corrections and Rehabilitation (CDCR) Conservation Fire Camps to utilize 1170(h) sentenced inmates for state fire crews.
- The District Attorney's Office has collaborated with the Courts and the Public Defender's Office to increase the number of eligible participants for Drug Court. The new criteria was expanded to allow certain 1170(h) defendants to participate in this program if they have a current drug problem and their crime was motivated by a drug dependence need. This allows certain theft crimes, commercial burglaries, automobile burglaries, car thefts and some narcotic related sales cases to be screened for suitability for Drug Court. The expansion allows more defendants to receive drug treatment as an alternative to incarceration.
- In 2015 the Judicial Council of California awarded a grant to Orange County to establish a pre-trial pilot program. The multi-agency team, led by the OC Superior Court, includes OC Probation, OCSD, OCDA, and Public Defenders Office. Implementation is scheduled for early 2016.

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Fiscal Year 2016-17 Goals

Orange County Realignment Goals

The Orange County Community Correction Partnership (OCCCP) has chosen the same three major goals/priorities for FY 2016-17 as the 2011 Implementation Plan. For each goal, OCCCP will strive to guide every partner in public safety to work together for a safer Orange County through a reduction in recidivism achieved through rehabilitation and other alternatives to incarceration. Following each goal is a description of how each goal may be attained in the next year.

Goal #1: Implementation of a streamlined and efficient system in Orange County to manage our additional responsibilities under Realignment.

a) Continue participating in the pilot project by the Board of State and Community Corrections (BSCC) and the Public Policy Institute of California designed to identify best practices among county corrections agencies and measure offender behavior and system performance under public safety Realignment.

b) Participate in a joint law enforcement operation with the United States Marshal Service Regional Fugitive Task Force (RFTF) to investigate, arrest or extradite local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Goal #2: Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.

a) Secure BSCC Pay for Success Grant funding to provide in-custody and post-custody substance use disorder treatment to the Realignment population.

b) Utilizing funds award by the BSCC through the Community Recidivism Reduction Grant to Orange County in 2015, begin implementation of emergency transitional housing services in a sober living environment for Realigned offenders recently released from a correctional facility to OC Probation supervision.

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Goal #3: Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

a) Successfully implement a pre-trial pilot program in Orange County that utilizes evidence-based practices. The goal of a pre-trial program is to identify, through a validated risk assessment, defendants who would be likely to stay out of trouble and appear in court for arraignment on their criminal charges. In Orange County, more than half of the inmates in jail are still awaiting sentencing for their crimes. A pre-trial program will provide an objective method to reduce the jail population without sacrificing public safety.

b) OCSD will implement the CDCR Conservation Fire Camps Program for which an MOU was signed in October 2015. The fire camp program utilizes selected candidates to serve in a variety of emergency fire capacities and/or on conservation projects. Inmates who volunteer for the program will undergo extensive screening and training. After graduation they will serve the remainder of their sentence in the fire camp. The program will provide inmates valuable work experience which, after they complete their sentence, they may apply for a fire related position with the State.

Funding Allocations

The funding formula adopted by the State for the first year of Realignment FY 2011-12 was a unique formula that was intended to fund counties' Realignment costs for the period of October 1, 2011 through June 30, 2012. For FYs 2012-13 and 2013-14, the funding formula applied by the State for purposes of allocating funds to the 58 counties was developed by a committee comprised of members from the California State Association of Counties (CSAC), the County Administrative Officers (CAO) and the Department of Finance. This committee reviewed the existing funding formula and made a proposal to the Governor for funding Realignment in future years. The Governor adopted the allocation framework recommended by CSAC/CAO for FYs 2012-13 and 2013-14.

Existing legislative mandates dealt with the statewide distribution of Realignment funds through FY 2013-14. CSAC/CAO created the Realignment Allocation Committee (RAC) to create a new methodology for FY 2014-15 and beyond. With the decline in available statewide funding ($998.9M for FY 2013-14 to $934.1M in FY 2014-15) the RAC proposed that the FY 2014-15 Base and Growth Allocations be treated differently than previous or future fiscal years. For the Base Allocation, a "blended rate" was established which combines each county's share of the FY 2013-14 base funds and its share of the FY 2012-13 growth funds (paid in FY 2013-14). This blended rate was then applied to the FY 2014-15 base amount of $934.1M and resulted in a base allocation of $63M for Orange County, 6.7493% for the total state appropriation of Realignment funding.

A new one-time methodology was also established for the allocation of Growth funding earned in FY 2013-14 and scheduled for distribution in FY 2014-15. The Growth Allocation has been divided two-thirds on a performance factor (number of the county's non-failed felony probationers in proportion to the total statewide) and one-third on the fiscal stabilization (same as permanent base share). Using this new methodology, Orange County's Growth Allocation for FY 2014-15 was $5.5M.

State allocated $200,000 for FY 2014-15 in one-time monies to the Orange County Community Corrections Partnership (OCCCP) for planning purposes. The OCCCP and the Orange County Board of Supervisors (Board) have authorized the use of this one-time money to fund research and training related to Realignment.

Orange County distributed FY 2014-15 base allocation of $1,032,592 equally between the Orange County District Attorney (OCDA) and the Orange County Public Defender (OCPD).

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Fiscal Year 2014-15 Base Funds	
Postrelease Community Supervision/Local Incarceration	$63,045,168
Realignment Planning Grant (one-time funds)	$200,000
District Attorney/Public Defender's Office (PCS representation)	$1,032,592
Total	**$64,277,760**

The $63.0M in funding allocations approved by the OCCCP and the Board are consistent with the methodology for allocation of the funds used in FY 2013-14, with two exceptions: 1) Local law enforcement was allocated $623,951, which is 0.99% of the total County base allocation, a higher percentage than allocated in previous fiscal years; however, the County budget contains separate funding that goes directly to the cities for the Realignment population; 2) $5.5M in growth money earned in FY 2013-14 was allocated to the counties in FY 2014-15. The OCCCP determined the greatest need for these funds were in those areas with operating funding shortfalls; therefore, the growth money was split between the Sheriff (81%) and Health Care Agency's (HCA) In-Custody Correctional Health Services (19%).

Additionally, $158K one-time Board of Equalization (BOE) funding was distributed to Sheriff (48%), Probation (25%), HCA In-Custody (11%), HCA Post-Custody (9%), Local Law Enforcement (1%), and OCDA/OCPD PCS Representation (6%).

Department	Prior Year(s) Carryover	FY 14-15 Base Allocation/ Revenue	FY 13-14 Growth Allocation/ Revenue [1]	One-Time BOE Adjustment	FY 14-15 Total Allocation/ Revenue	FY 14-15 Year-End Expenditures	Variance/ Expenditures to Revenue	Funds Available for Reallocation	Allocation of Unspent Funds	Year-End Shortfall
Postrelease Community Supervision (PCS)/ Local Incarceration										
Sheriff		32,053,784	4,523,271	77,043	36,654,098	36,291,875	362,223	362,223-	(362,223)	
Probation		16,178,579		38,886	16,217,465	13,650,815	2,566,650	2,566,650	(2,566,650)	-
HCA (In-Custody)		7,324,329	1,061,014	17,604	8,402,947	7,957,978	444,970	444,970	(444,970)	
HCA (Post-Custody)		5,714,435		13,735	5,728,170	3,920,294	1,807,876	1,807,876	(1,807,876)	-
District Attorney		250,000			250,000	753,311	(503,311)		503,311	
Public Defender		250,000			250,000	349,129	(99,129)		99,129	
Local Law Enforcement [2]	136,901	623,951		1,500	762,351	491,272	271,060	-	-	271,080
Total PCS/Local Incarceration	**136,901**	**62,395,078**	**5,584,285**	**148,767**	**68,265,031**	**63,414,673**	**4,850,358**	**5,181,719**	**(4,579,278)**	**271,080**
One-time Funds										
Undistributed Allocation		650,090			650,090		650,090	650,090	6,109,882	6,759,972
HCA (Risk Pool/ Stop Gap)	1,530,604				1,530,604	-	1,530,604	1,530,604	(1,530,604)	-
Total One-time Funds	**1,530,604**	**650,090**			**2,180,694**		**2,180,694**	**2,180,694**	**4,579,278**	**6,759,972**
Community Corrections Partnership	399,147	200,000	-		599,147	2,103	597,044		-	597,044
Subtotal Allocations/ Expenditures	**1,929,751**	**850,090**			**2,779,841**	**2,103**	**2,777,738**	**2,180,694**	**4,579,278**	**7,357,016**
District Attorney/Public Defender PCS Representation										
District Attorney	412,636	516,296	159,437	4,849	1,093,218	940,605	152,614	-	-	152,614
Public Defender	435,809	516,296	159,437	4,849	1,116,392	648,206	468,185	-	-	468,185
Total DA/PD PCS	**848,445**	**1,032,592**	**318,875**	**9,699**	**2,209,610**	**1,588,811**	**620,799**	**-**	**-**	**620,799**
Total Allocation/ Expenditures	**2,915,097**	**64,277,760**	**5,903,160**	**158,466**	**73,254,482**	**65,005,587**	**8,248,895**	**7,362,413**	**0**	**8,248,895**

FY 2015-16 Funding Plan

Existing legislative mandates dealt with the statewide distribution of Realignment funds through FY 2013-14. CSAC/CAO created the Realignment Allocation Committee (RAC) to create a new methodology for FY 2014-15 and beyond. Each county's share of the base would be defined beginning in FY 2015-16 according to a new formula. The growth formula for 2014-15 (distributed to counties in October 2015) would help counties transition to the new formula ("base share"). The new formula to establish each county's FY 2015-16 base share – contains factors in three categories – Caseload – 45% (22.5% Jail and 22.5% Probation), Crime and Population – 45% (22.5% Adult Population and 22.5% Crime), and Special Factors – 10% (poverty, small county minimums and impacts of state prison on host counties). Using this new methodology, Orange County was allocated 6.3939% of the total state appropriation of Realignment funding. For FY 2015-16 this resulted in $67.7M in Realignment allocation for Orange County.

The RAC proposed for FY 2014-15 a one-time Transition Payments Growth for counties where its permanent base allocation is lower than its blended rate – 35%, and the remainder 65% to be distributed between Performance Growth (2/3) and One-time Fiscal Stabilization Growth (1/3) to be paid in FY 2015-16. Using this methodology, Orange County's Transition Growth Allocation is $4.9M for FY 2015-16, and Stabilization Growth Allocation is $1.7M and Performance Growth Allocation is $5.9M. FY 2014-15 Performance Growth will be distributed based upon the following factors: 1) SB 678 Success - 80% (all counties – 60%, and SB 678 year-over-year improvement – remaining 20%); 2) Incarceration rates - 20% (year-over-year reduction in second strike admissions, overall new prison admissions, and per-capita rate of prison admissions).

OCCCP's proposed allocation for the FY 2015-16 base amount, which was approved by the Board, remained consistent with the methodology previously used by the OCCCP with three exceptions, all relating to the one-time and special allocations: 1) $6,759,972 of the base allocation and $5,860,152 of the estimated Transition and Stabilization growth allocation will remain undistributed at this time but will be available, if needed, to ensure adequate funding for each County department; 2) $800,00 and $50,000 of the estimated Transition and Stabilization growth will be allocated to District Attorney and Public Defender as one-time additional funding; 3) The one-time base amount allocated to the District Attorney and the Public Defender is increased from $250,000 each to $338,897 each.

The FY 2015-16 funding allocations may be adjusted as needed, to ensure adequate funding for each County department. Any changes to the allocations will be presented to the OCCCP and the Board for approval.

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FY 2015-16 PCS/ Local Incarceration Allocation	Prior Year(s) Rollover	Base	Growth	FY 15-16 Est. Transition/ Stabilization Allocation	Total Allocation
Orange County Sheriff's Department	$0	$36,600,827	$5,176,187	$0	$41,777,014
Probation Department	$0	$15,589,241	$0	$0	$15,589,241
Health Care Agency (in-custody treatment)	$0	$8,133,517	$705,844	$0	$8,839,361
Health Care Agency (post-custody treatment)	$0	$6,100,138	$0	$0	$6,100,138
District Attorney	$0	$338,897	$0	$0	$338,897
Public Defender	$0	$338,897	$0	$0	$338,897
Local Law Enforcement	$271,080	$677,793	$0	$0	$948,873
Total PCS/Local Incarceration Allocation	***$271,080***	***$67,779,309***	***$5,882,031***	**$0**	***$73,932,420***
Undistributed Allocation	*$6,759,972*	*$0*	*$0*	*$5,860,152*	*$12,620,124*
Health Care Agency (Risk Pool/Stop Gap Insurance)	*$0*	*$0*	*$0*	*$0*	*$0*
District Attorney (Realignment Services)	*$0*	*$800,000*	*$0*	*$0*	*$800,000*
Public Defender (Realignment Services)	*$0*	*$50,000*	*$0*	*$0*	*$50,000*
Total One-time Allocation	***$6,759,972***	***$850,000***	***$0***	***$5,860,152***	***$13,470,124***
OC TOTAL ALLOCATION	***$7,031,052***	***$68,629,309***	***$5,882,031***	***$5,860,152***	***$87,402,544***
District Attorney/Public Defender (PCS representation)	*$620,799*	*$1,588,100*	*$555,508*	*$0*	*$2,764,407*
Community Corrections Partnership (one-time funds)	*$597,044*	*$0*	*$0*	*$0*	*$597,044*
Total FY 2015-16 Allocation	***$8,248,895***	***$70,217,409***	***$6,437,539***	***$5,860,152***	***$90,763,995***

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Local Law Enforcement

Realignment is having an impact on local law enforcement. The number of offenders released back into communities for county supervision is higher than initially projected by the State. As all service providers attempt to implement programs and supervision services to this population, local law enforcement is having increased contacts with the population that reoffends. Additionally, new sentencing guidelines are now causing convicted offenders to be released into communities for county supervision and services rather than being sent to state prison. Funds were allocated by the Orange County Community Corrections Partnership and the Board of Supervisors to each local law enforcement agency based on their active Postrelease Community Supervision population. Local law enforcement may access these funds by performing functions and duties as described in the Memorandum of Understanding adopted by the Board of Supervisors.

Local law enforcement continues to collaborate with and supports OC Probation. Local law enforcement participates in probation compliance checks and those agencies housing probation officers provide office space and resources to assist the probation department in supervising this population. Representatives from local law enforcement participate in regularly scheduled meetings involving all stakeholders in the county Realignment plan in order to facilitate ideas and implement the most effective methods in achieving the best outcomes to ensure public safety.

Superior Court

Revocation of Community Supervision, Mandatory Supervision and Parole

Consistent with Realignment the Court has assumed responsibility for Postrelease Community Supervision, Mandatory Supervision and parole revocation hearings. Pursuant to California Rules of Court 4.541 and upon receipt of a petition for revocation of supervision form the supervising agency, or a request for warrant, the Court will accept and file the matter for action. The Court will prescribe the hearing dates and times within the required time frames, unless time is waived or the Court finds good cause to continue the matter. The Court will provide a hearing officer, courtroom facility, interpreter services and the means to produce a record. The Court will comply with reporting requirements to local and state agencies as defined.

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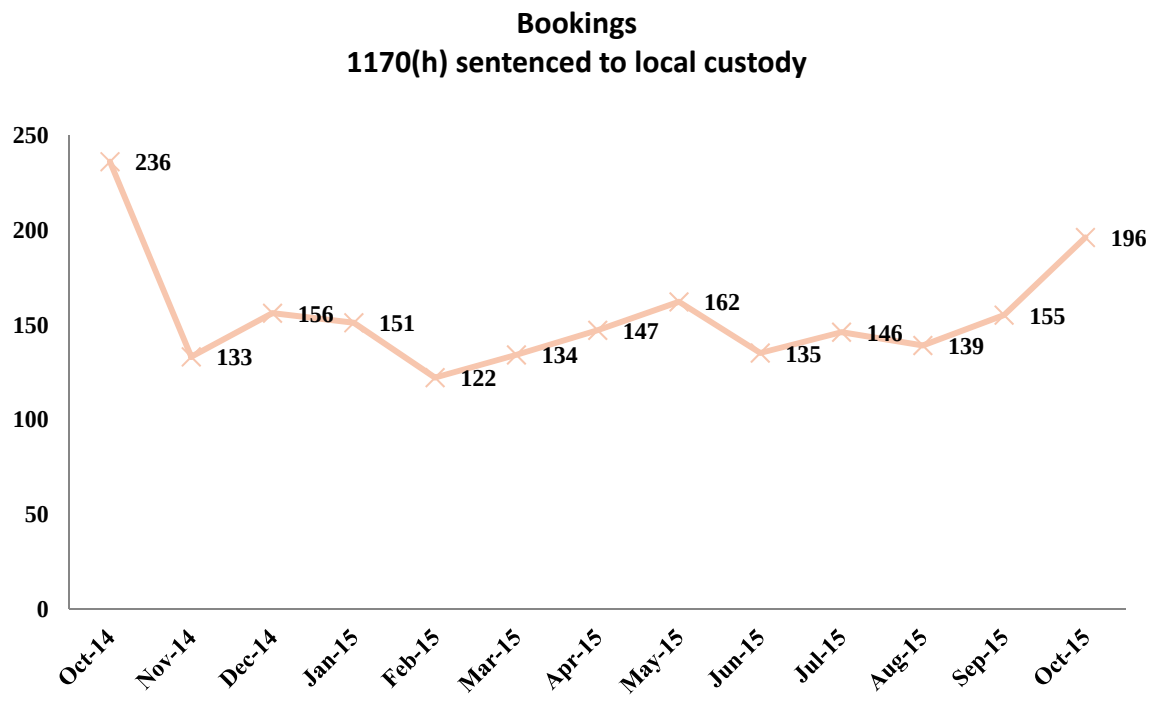
OC Sheriff's Department

Custody Population

Orange County Sheriff's Department (OCSD) Realigned inmate population as discussed in this report is comprised of several categories which include 1) PC 1170(h) individuals convicted of a felony 2) individuals with PCS violations serving up to 180 days 3) Individuals with violations of state parole serving up to 180 days and 4) PCS individuals that have been sanctioned with a flash incarceration up to 10 days for each violation. The figures discussed below cover the period of October 2014 through September 2015.

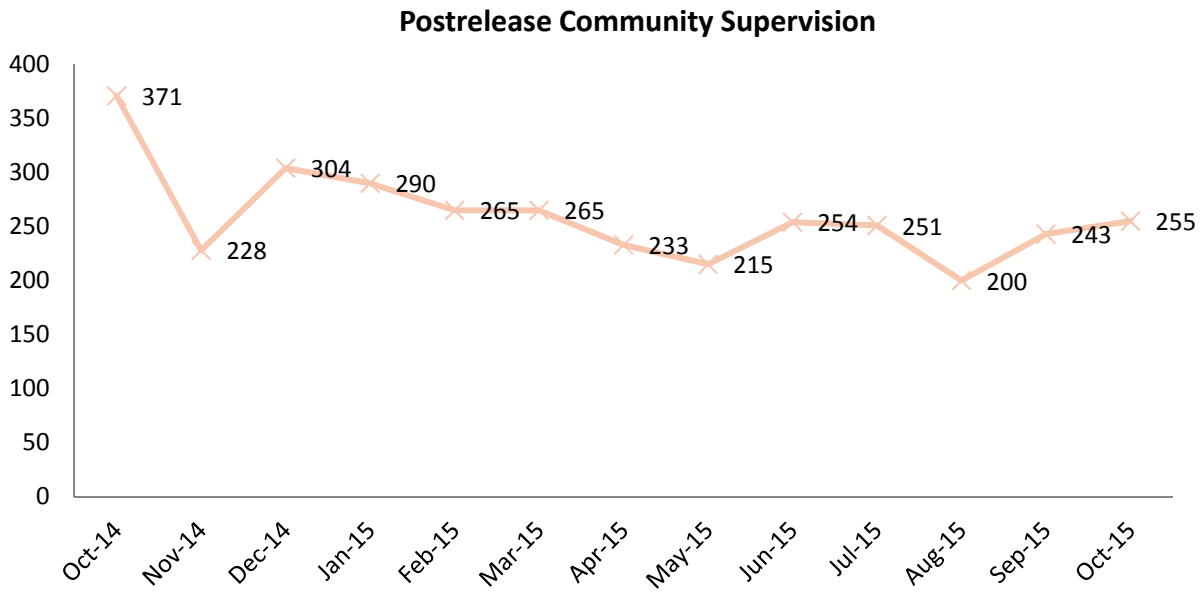
Local Custody: 1170(h) Population

In November, 2014 California voters approved Proposition 47, which took effect immediately. The net outcome was a dramatic reduction of OCSD's 1170(h) population from a high of 236 bookings per month to a low of 122 in February, 2015. Since that time, OCSD has seen a resurgence in 1170(h) bookings to a high of 196 in October 2015. The chart below shows the monthly bookings of 1170(h) offenders sentenced to local custody in Orange County. Additionally, the length of stay for this population has increased from an average of 187.8 days in October 2014 to an average of 222.5 days in September 2015 (+34.7 days). This compounding population constitutes the largest portion of OCSD's Realignment population and continues to grow as their length of stay increases.



PCS Trends

The chart below illustrates one year of the PCS population's bookings on flash incarcerations, new charges and PCS revocations. OCSD saw a dramatic population decrease shortly after the passage of Proposition 47. Bookings have rebounded since then, but are still well below the high of 371. This trend bears watching as it highlights the effectiveness of local supervision of offenders by the Probation Department.



Parole Violation Trends

The sentencing protocols for parole violators changed mid-2013, giving local jurisdictions a greater say in the length of time parole violators are sentenced to the county jail. Effective July 1, 2013 the Superior Court took responsibility for conducting parole violation hearings. In the first three months after this change, OCSD's parole violator population decreased by roughly 45%. By September of 2014 the numbers had mostly rebounded and in 2015 they continue a marginal trend upwards.

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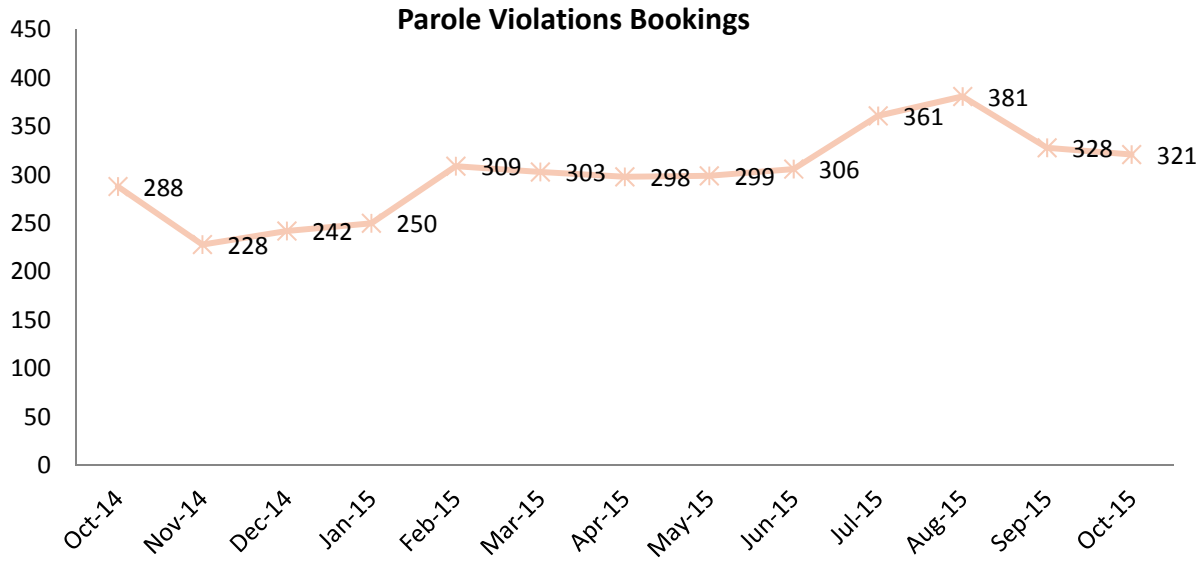

Existing County Jails

OCSD currently operates five jails: the Intake Release Center (IRC) and four additional housing jails (IRC; 903 bed-capacity; Theo Lacy Facility: 3,442 bed-capacity; Central Men's Jail: 1,433 bed-capacity; Central Women's Jail: 388 bed-capacity; and James A. Musick Facility: 1,322 bed-capacity).

Post-Proposition 47 the overall jail population dropped, allowing for the closure of the north compound tents at the Musick Facility. The drop also facilitated OCSD's ability to complete much needed repairs throughout the jail system. The population has rebounded some, but is still well below the pre- Proposition 47 numbers that hovered above 7,000.

OC Facilities	Existing Bed-Capacity
Intake Release Center	**903**
Theo Lacy	**3,442**
Central Men's Jail	**1,433**
Central Women's Jail	**388**
James A. Musick Facility	**1,322** (+824 beds future expansion) = ***2,146***

Jail Expansion

In 2012, the State, by way of AB 900, created a competitive grant source for expansion and/or construction of new jail facilities. OCSD was awarded the $100 million grant via AB 900 and is currently in the design phase of a 512 bed expansion project at the James A. Musick Facility. OCSD also applied for an $80 million grant via SB 1022 for an additional expansion to the Musick Facility as part of a rehabilitation program which would add an additional 312 beds. OCSD was awarded that grant in 2014 and will merge the two projects into a modern rehabilitation facility.

In 2015 OCSD applied for funding by way of SB 863. If awarded, the grant funding would have been used to upgrade and remodel existing medical and mental health housing units in the Intake and Release Center in Santa Ana, California; unfortunately, OCSD was not successful in this endeavor, primarily due to previous successes as listed above. There are indications that additional funding will become available for medical and mental health treatment facility expansion in the future. OCSD sees a distinct need for these types of facilities and will pursue future opportunities vigorously.

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Education/Rehabilitation Resources

Currently, OCSD offers a host of classes and programs for Realigned inmates including Adult Basic Education, English as a Second Language, Money Matters, Domestic Violence, Thinking for a Change, Anger Management (mental health), Workforce Preparation, Substance Abuse, vocational programs, as well as, life skills, and religious programs.

In the future, medical services, education and treatment programs, and post-custody programs, are planned for the Musick expansion. The construction of the new facilities will not begin until late 2016 and it is anticipated that the earliest inmates will be able to occupy the units is late 2018.

OCSD has dedicated a significant portion of its Realignment resources to increasing security staffing and re-opening housing units in order to maintain jail security and public safety. However, as Realignment concludes its fourth year, the focus of the OCSD must shift to adapting personnel and resources to the new paradigm, creating systems of inter-agency operability, developing record-keeping systems, and managing an increasingly complicated and diverse inmate population. OCSD will look to transition its focus towards rehabilitation. As a member of the OCCCP and the Orange County Re-entry Partnership (OCREP), the OCSD is committed to finding alternative solutions to the incarceration and recidivism of inmates.

In February, 2016 OCSD plans to submit a Pay for Success grant proposal. This grant opportunity is offered by the Board of State and Community Corrections and requires contractually agreed upon measures of success. It is based on a Social Innovation/Impact Bond Financing model-an outcome-driven methodology with investment from private community investor-a public and private partnership. The grant ranges from $500K-$2 million and requires Orange County Board of Supervisor approval as well as matching funding. If successful in obtaining grant funding, OCSD is hopeful to partner with a private treatment provider to address in-custody and post-custody substance use disorder with a criminal justice population focus. Participation will also include the Health Care Agency, OC Probation, Orange County Department of Education, Rancho-Santiago College, OCREP providers, and an independent academic researcher.

OCSD Transition from Jail to Community (TJC)

In August of 2013 OCSD instituted a Transition from Jail to Community (TJC) program dubbed "Lasting Change". Inmates are screened at intake and those who are highly likely to recidivate are identified. If they agree to take part in the Lasting Change program they are evaluated through a risk/needs assessment through which their criminogenic needs are identified and treatment protocols are developed. Inmates in the program are housed together in a "therapeutic community" and attend classes and therapy in group and individual settings. Towards the end of the program inmates begin discharge planning where counselors make available employment, housing, education, and treatment opportunities. Inmates are linked with those resources upon release. The program has demonstrated success; however, it continues to be a work in progress as modifications are made to staffing, lesson plans, and locations.

Fire Camp Program

In October 2015 OCSD established a Memorandum of Understanding (MOU) with the California Department of Corrections and Rehabilitation (CDCR) to utilize PC 1170(h) sentenced inmates for state fire crews. Inmates who volunteer for the program undergo extensive training and screening. Successful candidates are subsequently selected to serve their sentence at a designated fire camp and afterwards may be considered for hire by the state as employees. OCSD's initial candidates are in training in Susanville and upon graduation will be assigned to a fire camp in Chino, California.

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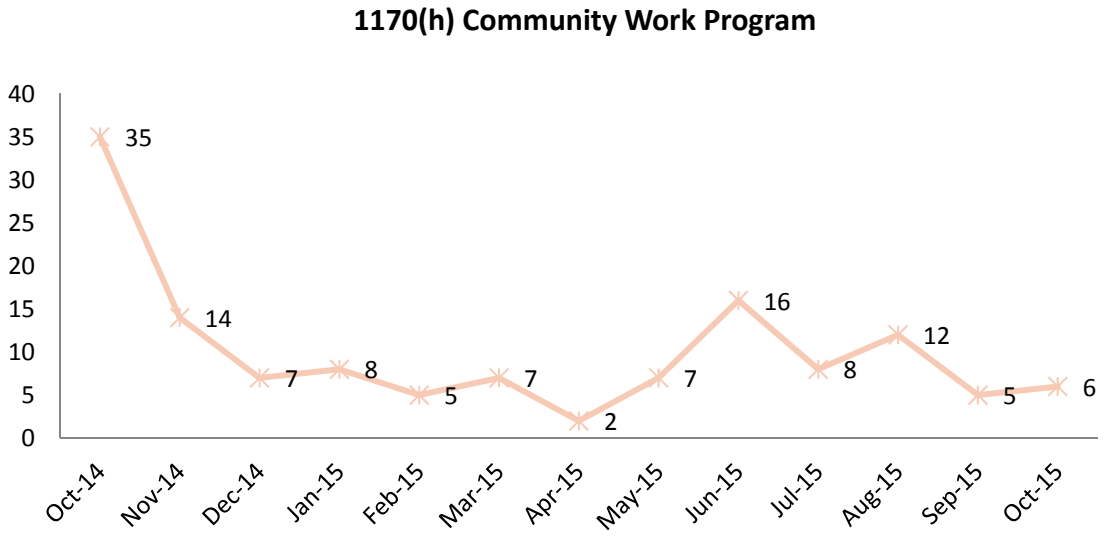
Community Work Program (CWP)

Over the past four years, the OCSD has used a combination of methods to manage the increase in inmate population. One notable change has been the expansion of inmates assigned to the Community Work Program (CWP) to include PC 1170(h) offenders. The CWP is an alternative to incarceration that allows sentenced 1170(h) offenders to serve their time by working on municipal work crews often providing janitorial or landscaping services at county buildings and parks. The offender is allowed to live at home but must report to a predetermined worksite location as part of a crew. Every workday completed is considered two days of service towards the offender's sentence. Failure to follow the stringent rules (curfew, avoiding substance abuse, etc.) will result in a return to custody where he/she will serve the remainder of his/her sentence. OCSD screens inmates for suitability and has the discretion to add or remove the offender from the program at any time. OCSD has dedicated resources to conduct welfare and compliance checks on 1170(h) inmates serving time in the CWP. This includes work site and home inspection checks. Since the inception of Proposition 47, the number of 1170(h) offenders has declined dramatically as reflected in the chart below. Nevertheless, the program is still relevant and continues to be a successful population management tool as well as an

opportunity for offenders to assimilate into the community while still under strict supervision.



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District Attorney

Beginning with the implementation of Realignment, the Orange County District Attorney (OCDA) has prosecuted Post-Release Community Supervision (PCS) violators as well as Mandatory Supervision (MS) violators. On July 1, 2013, that responsibility expanded to include parole violators. In addition to staff time to prepare for and support the overall program implementation, the District Attorney's Office designated multiple Deputy District Attorneys (DAs) with specific responsibilities to prosecute these defendants.

On July 1, 2012, SB 1023 became law and amended Realignment. This new law was intended to promote uniform revocation procedures relating to MS and PCS. The new law revised Penal Code Sections 1170, 1202.2, 3455, and 3000.08 by extending the probation revocation procedures found in PC 1203.2 to mandatory supervision, under Section 1170(h)(5)(B) and PCS, under Section 3455. This legislation was also intended to provide procedural due process protections held to apply in probation revocations to MS and PCS violators.

Currently the office has three Deputy DAs assigned to the AB 109 unit. These deputies review AB 109 violations and make appropriate dispositions. These deputies work with the court to insure that the appropriate sentence is meted out in each case. If these cases do not settle, the deputies will call witness for testimony at a hearing. The office works with the probation department, the California Department of Corrections and local law enforcement to insure that the appropriate laws are being enforced and the community is being protected.

PCS and MS Petitions

For the past year the number of AB 109 cases that have been handled by the District Attorney's office has been declining. Year to year statistical data shows that MS violations and PCS violations have all been lower than the previous year. Currently there is no one factor that can be attributed to this decline. Although it is much too early to make any conclusions, a possible cause may be the passage of Proposition 47 in November of 2014. Proposition 47 by its language allowed for the reduction of some felonies to misdemeanors. Specifically this Proposition allowed for the reduction of simple narcotic possession cases and some theft cases to be reduced to misdemeanors. Additionally, after November 2014 simple narcotic possession cases and some theft cases were permanently reclassified as straight misdemeanors. Proposition 47 permitted convicted felons to petition to court to have their felony cases reduced to misdemeanors. In many of these cases, the petitioner's formal probation, Mandatory Supervision or Postrelease Community Supervision was changed to informal probation. This has led to fewer cases being handled by the District Attorney's Office AB 109 unit.

When Realignment went into effect on October 1, 2011, the District Attorney's Office prosecuted only 27 petitions of PCS violations for the two months remaining in the year. In 2012, 1,092 petitions for PCS and MS violations were filed.[1] The number of filed petitions continued to grow in 2013 and 2014. In the first nine months of 2015, there were over 1,500 petitions prosecuted between PCS and MS violators. Specifically, the District Attorney's Office filed 1,006 PCS Petitions and 548 MS Petitions (PCS 65%; MS 35%).

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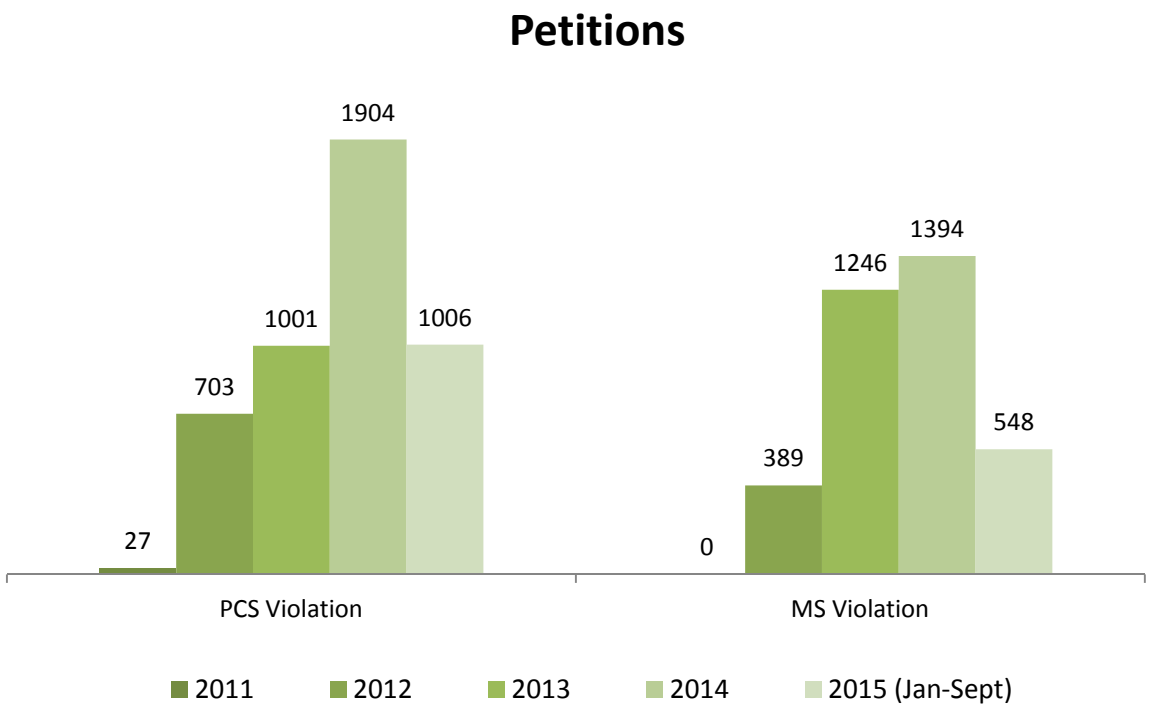
[1] There remains a data entry backlog for PCS petitions dating back to 2012. The OCDA continues to work through the backlog for historical purposes.



PCS and MS Court Proceedings

These court proceedings are handled not only by the DA team created for Realignment, but also by additional prosecutors at court locations all over Orange County who are required to attend MS violator proceedings. In 2014 the District Attorney's Office attended over 7,000 PCS and MS violator proceedings. In the first nine months of 2015, the District Attorney's Office has attended 1,747 MS violator proceedings and 2,480 PCS proceedings (MS 62%; PCS 58%). The projections for 2015 are over 5,000 MS and PCS proceedings.

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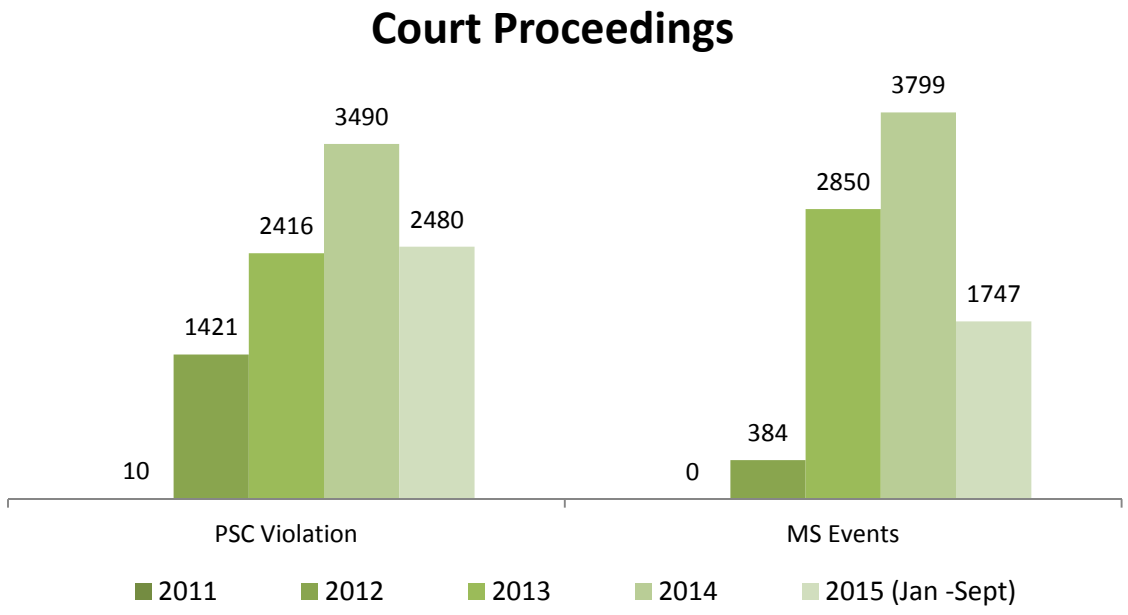

Parole Violator Workload

The July 1, 2013 shifting of this responsibility from the CDCR to the OCDA's Office added a significant workload and further strains limited prosecution resources. The District Attorney's Office has responded to just over 2,000 new court and/or administrative proceedings that have taken place July 1, 2013 through September 30, 2015.

OCDA Parole-Related Workload (January 1, 2015 - September 30, 2015)	
Parole Petitions	142
Parole Petitions Calendared in Court	560

The OCDA's Office will continue to monitor the prosecution workload required to implement Realignment and participate in the OCCCP, to ensure the People are adequately represented in these matters.

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OC Probation

Types of Supervision

With the implementation of Realignment, the Orange County Probation Department (OC Probation) became responsible for supervising two additional categories of offenders beyond those under formal probation: 1) Postrelease Community Supervision (PCS) and 2) Mandatory Supervision (MS). Offenders granted probation by the Court are those individuals with a prison sentence that is suspended as long as the offender consistently follows the terms and conditions for the duration of time under supervision. As of September 30, 2015, there are approximately 11,389 adults under active formal probation supervision.

Postrelease Community Supervision (PCS)

In order to manage this historic change in the criminal justice system, OC Probation created a specialized division with responsibility for intensive supervision of the PCS population. A total of 5,296 people have been released from prison with a PCS status. As of September 30, 2015, 1,210 are on active supervision. Per Penal Code section 3456(a)(3), PCS individuals without custodial sanctions, such as flash incarceration, jail or prison, are mandatorily discharged after one year. Since October 1, 2011 through September 30, 2015, a total of 3,495 have completed PCS. Of those 1,891 were mandatorily terminated while 1,604 were discharged for other reasons or transferred to other counties. There are 591 individuals with an active warrant status.

OC Probation's PCS Population (Oct 1, 2011- Sep 30, 2015)			
Released to PCS	**Actively Supervised**	**1 Year Mandatory Termination** 1,891	**Active Warrants**
5,296	1,210	**Other Discharges/Transfers** 1,604	591
		Total Completions 3,495	

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Mandatory Supervision

Since the implementation of Realignment, 2,700 individuals have been sentenced to MS. Prior to Realignment, this population would have been sentenced to state prison commitments but now completes a period of local incarceration and a period of community supervision. These clients receive supervision services that closely resemble those clients placed on formal probation. Using their risk scores, the appropriate level of supervision is determined, appropriate referrals are dispensed, and supervision starts for a defined period of time, based on their MS sentence. Violations of MS are handled like probation violations, in that they are returned to court for a formal hearing and disposition. As of September 30, 2015, 502 are actively supervised (excluding 293 offenders who are out on warrants) and 180 are still in custody. The remaining 1,725 have been terminated or discharged from supervision.

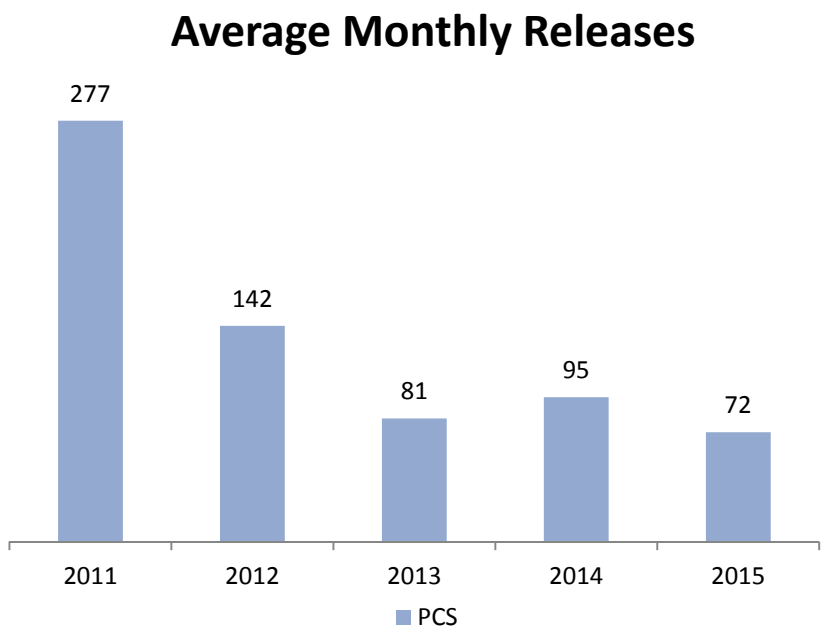
OC Probation's MS Population (Oct 1, 2011- Sep 30, 2015)			
Released to MS	**Actively Supervised**	**Discharges**	**Active Warrants**
2,700	502	1,725	293

AB 109 Field Supervision Division

Recent review of OC Probation's Realignment funding and supervision strategies led the department to identify resources and opportunities that were previously unavailable. In the past, PCS and MS populations were supervised in separate divisions. To increase the overall efficiency and consistency among the PCS and MS populations, they were combined into one division—AB 109 Field Supervision Division. This change took place in September 2015.

Releases from Prison

During the first three months of Realignment (October through December 2011), an average of 277 individuals per month were released from prison to Orange County for PCS supervision. Since then, the average number of releases per month have steadily dropped, averaging 72 per month in 2015.



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Victim Restitution

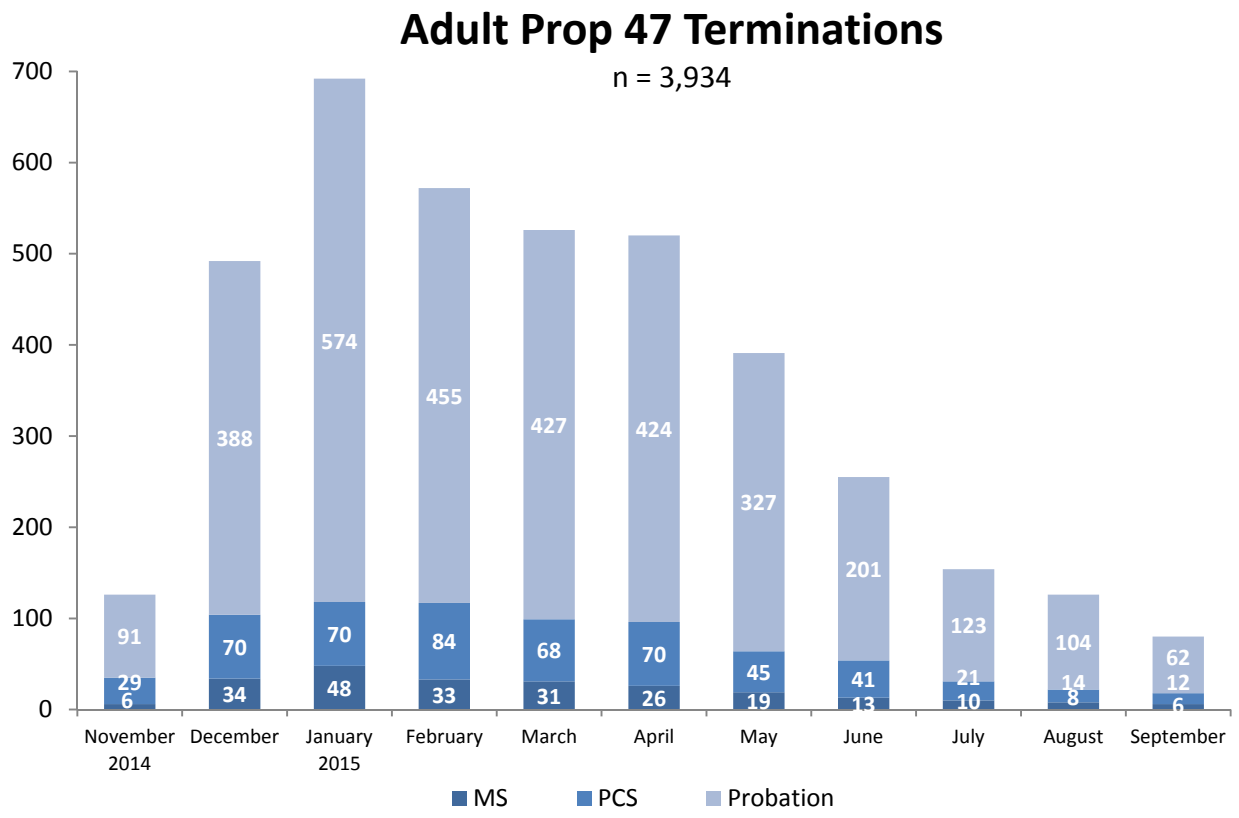
Senate Bill 1210 addressed a previous concern related to victim restitution by collecting fines that support the victim restitution fund for the Realigned offender population. Of particular concern was the collection of restitution from offenders in custody with a terminal disposition under PC 1170 (h) as they do not have community supervision upon their release. AB 109 re-entry officers meet with these offenders in order to obtain stipulations of payment prior to their release. The collection of prior financial obligations owed by PCS offenders remains with the State.

Case Law

Appellate court case People v. Armogeda provides that PCS offenders, who are eligible under PC 3063.1 (Proposition 36) should not have their supervision revoked for a non-violent drug possession (NVDP) offense or a violation of a drug related condition of supervision. In response to this case law, OC Probation created protocols to identify these individuals in accordance with Proposition 36.

Proposition 47

As discussed previously, Proposition 47 reclassified some nonviolent offenses from felonies to misdemeanors. OC Probation experienced a decline in the number of supervised individuals in the months since Proposition 47 passed. As of September 30, 2015, 3,934 individuals whose qualifying offenses were reduced to misdemeanors were terminated from supervision by OC Probation (MS 234; PCS 524; Probation 3,176) due to Proposition 47. This reduction has changed the profile of the OC Probation's caseload as noted in the risk/needs assessments.



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Assessments

OC Probation has utilized a validated risk/needs assessment instrument since the mid-1980s. This instrument has been the foundation for implementing evidence-based practices known to reduce recidivism. The tool enables OC Probation to allocate resources effectively and efficiently by dividing the population into groups by their probability of reoffending.

In practice, the Deputy Probation Officer (DPO) completes a risk/needs assessment on every client on their caseload and develops a case plan addressing "criminogenic needs"- dynamic factors that are strongly correlated with crime risk.[2] The risk/needs assessment determines the level of supervision that is necessary and identifies the type of evidence-based treatment and services that are needed to be successful on supervision (reducing the risk of reoffending and increasing pro-social functioning and self-sufficiency). Typically, the DPO conducts a reassessment every six months and updates the supervisory case plan based on

[2] Latessa, E., Lowenkamp, C. (2005). What are Criminogenic Needs and Why are they Important? *Community Corrections: Research and Best Practices.* 1-2. http://ojj.la.gov/ojj/files/What_Are_Criminogenic_Needs.pdf

any changes in risk level and in needs for services.

When comparing the profiles of actively supervised adults on Probation, PCS and MS as of September 2015 from one year ago, there are noteworthy changes. The passage of Proposition 47 resulted in termination of supervision of individuals whose felonies were reduced to misdemeanors. The result is a change in the demographic profiles of those still remaining on supervision – most notably – drug related felonies for PCS offenders have decreased.

Initial Convicted Offense

	Probationers		PCS		MS	
	2014	2015	2014	2015	2014	2015
Felony	94%	90%	100%	100%	100%	100%
Person (e.g., robbery, assault)	23%	30%	14%	20%	9%	9%
Property (e.g., burglary, theft)	18%	19%	27%	25%	29%	33%
Drug	45%	30%	43%	27%	56%	52%
Other	8%	11%	15%	27%	6%	5%
Misdemeanor	6%	10%	0%	0%	0%	0%

Continuum of Graduated Interventions and Sanctions for Violations of Postrelease Community Supervision

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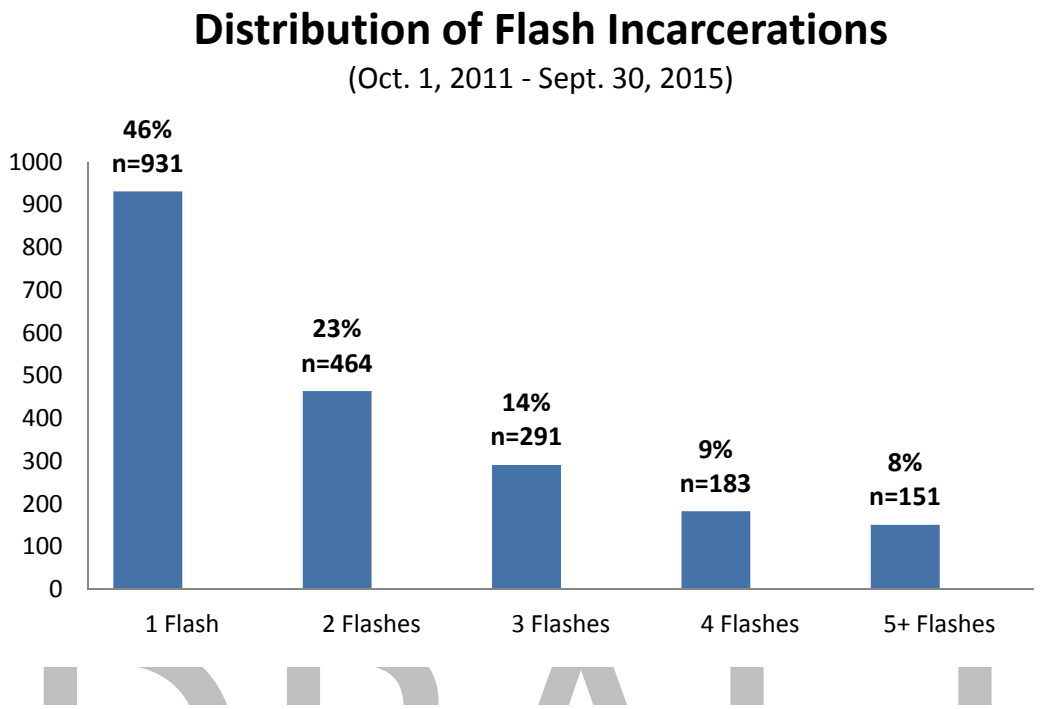
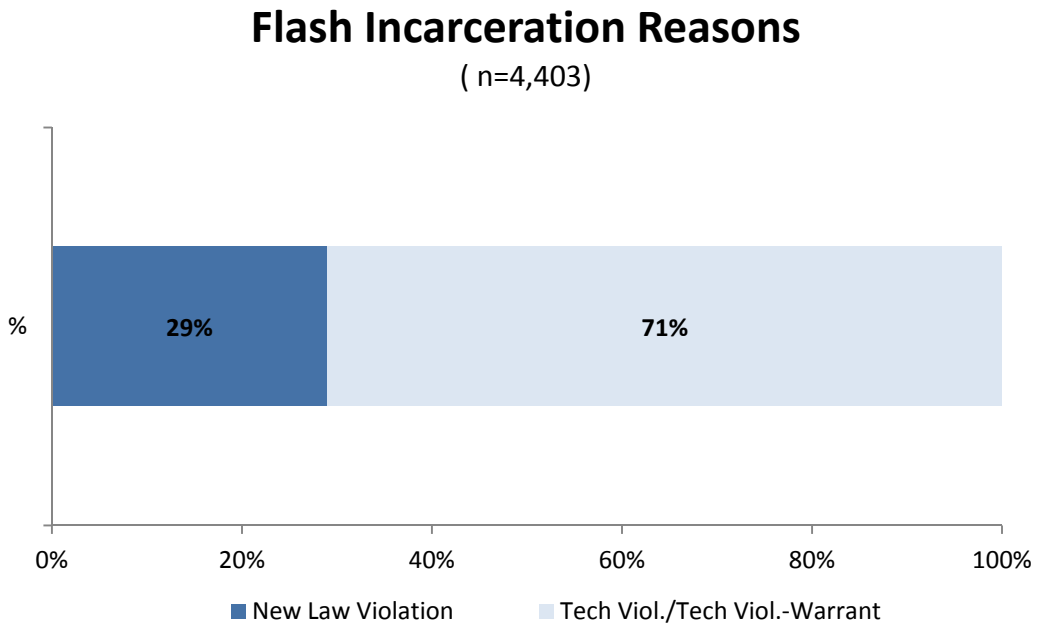
Penal Code (PC) 3450, known as the Postrelease Community Supervision Act of 2011 reaffirms its commitment to reducing recidivism among criminal offenders. PC 3450 supports the use of evidence-based sanctions and programming to improve community safety. Evidence-based correctional sanctions and programming encompass a range of custodial and noncustodial responses to criminal or noncompliant offender activity.

With this in mind, OC Probation developed a continuum of graduated interventions and sanctions. The graduated sanctions model promotes both proportionality and equity in how the criminal justice system responds to probation violators. By utilizing an Interventions and Sanctions Matrix, DPOs are able to consistently apply sanctions proportionate to the seriousness of the violations to hold the offender accountable, assert sufficient control and properly manage the risk that the offender presents to the community and facilitate the offender's progress in changing behavior to achieve ongoing compliance and future law-abiding behavior.

Flash Incarcerations

Flash incarceration is a short-term period (maximum of 10 days) of detention in a city or county jail authorized by Section 3454(c) of the Penal Code. Flash incarceration allows a DPO to arrest a PCS offender for a violation of supervision terms. The detention period (1 to 10 days), determined by the DPO and reviewed by the supervisor, is intended to deliver a swift and certain sanction but minimizes impact on the offender's success in the community related to employment or family dynamics. Through September 30, 2015, 2,020 individuals on PCS supervision received at least one flash incarceration, totaling 4,403 flashes. Approximately two-thirds of the flashes were for technical violations (positive drug test, absconding, etc.) and the rest were for new law violations.





Re-entry Team

This past year OC Probation added two re-entry DPOs and an intake DPO to the current team of one re-entry DPO and SPO. OC Probation collaborates with HCA's Behavioral Health caseworkers and assessment team embedded at OC Probation's field offices. The assessment team facilitates the referral and enrollment of the offender into treatment programs.

Re-entry officers attend Substance Abuse Treatment (SAP) provider fairs at the local State prisons and coordinate transportation for offenders when appropriate upon their release. An example of these services is demonstrated by OC Probation's collaboration with the McFarland Female Community Correctional Facility and BI Incorporated, a GEO Group Company that is contracted to operate the adult day reporting center (DRC). Prior to the offender's release from prison a shared case plan is developed by both McFarland and the DRC. The re-entry DPOs facilitate a seamless re-entry by transporting the offender to Orange County where the intake process is completed.

The re-entry team works together to identify offenders recently placed on PCS and MS as well as those serving custody commitments due to violations of supervision. The team partners with the OCSD's Inmate Services unit to educate and assist offenders currently in jail serving custody commitments. The team's outreach efforts include both AB 109 classes specific to PCS and MS inmates along with "Back on Track" classes that are provided to all inmates regardless of supervision status. The classes address treatment and program options along with other services that will prepare the offender for successful community re-entry and increase offender accountability, rehabilitation and public safety.

Adult Day Reporting Center

The adult day reporting center (DRC) (located at 901 W. Civic Center Drive, Suite 100, Santa Ana, CA) is a statutorily and research-supported alternative to custody that relieves pressure on the Orange County Jail population by providing services to offenders who are under community supervision. The goal of the DRC is to protect the public by providing offenders with intensive treatment, program services, and on-site supervision with immediate reporting of behavior to assigned DPOs. The DRC provides services to PCS, MS, and offenders under general supervision. A majority of these individuals have lengthy criminal arrest records including prior prison terms and have been identified and assessed as "high-risk" to reoffend. Funding is provided by the State and County Realignment funds.

Orange County contracts with BI Incorporated, a GEO Group Company ("BI Inc." http://bi.com/) to operate the DRC, which opened at the end of July 2012 as part of the overall Orange County Public Safety Realignment and Postrelease Community Supervision Implementation Plan. The current contract for the DRC went into effect June 1, 2014 and is renewable annually for an additional four years expiring May 31, 2019. On May 12, 2015, the Board of Supervisors approved the annual renewal of the current DRC contract with BI Inc. The contract was amended to include provision of re-entry services to the general supervision offender population. As a result, the average daily population increased from 44 in May 2015 to 84 as of September 2015.

Used as a graduated response or sanction to overall supervision as well as a general programming option, the DRC is a structured and individually tailored program. It is a multi-phase program where offenders progress through three levels of treatment, supervision and an "Aftercare" phase based on their individual behavioral improvements. These improvements are monitored and measured through group attendance and participation, drug and alcohol abstinence, verifiable employment and/or income, stable housing, and compliance with probation terms and conditions. The DRC utilizes a variety of evidence-based practices including Motivational Interviewing and Moral Reconation Therapy (i.e., cognitive behavior therapy) in order

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to change existing behavior.

In order to help foster success with offenders, the DRC establishes and maintains connections with local employment, housing, drug and mental health treatment agencies and providers. The DRC promotes the use of a computer lab which uses a browser based application that assists offenders in seeking community resources. Further, the DRC hosts a Community Connections forum which meets regularly where local providers present information about various services. This also includes a question and answer period and opportunities for offenders to speak with program providers individually. The DRC formally works with collaborative partners that address a range of client's needs such as the Health Care Agency, Orange County Public Defender's Office, Orange County Human Relations Commission, and other relevant community-based organizations as part of their program. As a result of the DRC's on-going relationship with the Orange County Reentry Partnership (OCREP), an opportunity presented itself and effective October 2015, the DRC increased its collaboration efforts with State of California Employment Development Department (EDD) Workforce Services Branch in order to augment employment assistance and services to the current DRC population.

All DRC participants receive services based on their assessed risk/needs and are held accountable for their behaviors through specific measures provided by the DRC. A description of different services that the DRC offers can be found in the Day Reporting Center Status Report (http://ocgov.com/gov/probation/prcs). GEO/BI and OC Probation staff routinely collaborate and communicate regarding offender progress. Offenders who complete the full program are encouraged to attend "Aftercare." A case plan is developed to assist them with their reintegration into the community. This includes weekly "check-ins" as needed, monthly Aftercare group sessions, and participation in a formal graduation ceremony held several times a year. An individual will receive an increase in supervision that may include additional classes, increased reporting, increased treatment, or possibly a custodial sanction as determined by the assigned DPO if the individual fails to comply with DRC rules and programming requirements.

The Orange County Human Relations Commission continues to partner with the Probation Department and BI Inc. to provide a Restorative Justice Honors Program for specific offenders attending the DRC. This group meets weekly, in addition to the regular DRC requirements, for approximately 9 weeks. During group sessions, offenders meet with the Restorative Justice Coordinator who covers concepts such as the needs of the offender, victim, and the community and the obligations involved in repairing the harm done by their crime. This group provides and promotes on-going peer support.

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Outcomes

Between July 30, 2012 and September 30, 2015, the DRC processed a total of 1,009 referred offenders, 911 of whom had exited the program as of September 30, 2015. Nineteen percent of the 911 discharged offenders exited with a status of "Satisfactory." This status includes offenders who have completed the full DRC program or have exited early under satisfactory conditions. Another 21% of offenders exited with an "Other/Neutral" status generally due to issues that the DRC was not designed to handle such as offenders with severe substance abuse issues in need of additional outpatient or residential treatment services or offenders requiring more comprehensive medical or mental health treatment. The remaining 60% of offenders were discharged with an "Incomplete/Unsatisfactory" status for reasons ranging from violations of their probation terms to offenders that had poor attendance or who had stopped attending entirely. According to the research literature, a drop-out/failure rate at this level (e.g. 50%) is not atypical for DRC programs.[3]

Both the "Satisfactory" and "Other/Neutral" discharge groups offer cost-savings potential for Orange County. Prior to the DRC implementation, many of these individuals would likely have spent significant time in custody.

[3] Craddock, A. (2009). Day Reporting Center Completion: Comparison of Individual and Multilevel Models. *Crime & Delinquency*, 105-133.

Instead, the DRC was able to provide these offenders with the necessary treatment and programming services, or in some instances, identify their need for more intensive services, while remaining in the community. It is also important to note that if identified as appropriate by the DPO and GEO/BI staff, any discharged offender may re-enter the DRC at a future time.

A key measure of the DRC impact is offenders' recidivism, defined in this context as any violation after DRC discharge leading to a new conviction (both felony and misdemeanor). Results based on a six-month and one year follow-up of offenders discharged for any reason during the first two years (through June 30, 2014) revealed that the vast majority had no violations resulting in a new conviction. While these findings are promising, a more comprehensive evaluation is planned during 2016 that will compare DRC participants with a matched control group of non-participants.

DRC Discharges by Type
Jul 30, 2012 - Sep. 30, 2015
(n=911)

Type	Number	%
Satisfactory	177	19%
Incomplete/Unsatisfactory	547	60%
Other/Neutral	187	21%

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Public Defender

Workload

As previously touched upon, Realignment created two new classifications of supervised release: Postrelease Community Supervision (PCS) and Mandatory Supervision (MS). The Orange County Public Defender (OCPD) became responsible for representing those charged with violations of PCS and of MS (per Penal Codes section 1170(h)(5)(B)). On July 1, 2013, for the first time ever, OCPD also became responsible for representing persons facing revocation of parole. In November 2014, Proposition 47 was passed by the voters of California.

These significant changes in the criminal justice system have caused dramatic adjustment in not only the Public Defender's workload but also the clients that are represented by the Public Defender's Office. Prior to 2013, the OCPD had never represented parolees.

For the first three years since Realignment began, the numbers of clients handled by the OCPD staff continually climbed. This year, most likely as a result of Proposition 47, those numbers remained constant with no overall increase in open cases.

At each step of the way the OCPD has been able to navigate these changes to how business is done. Three attorneys, two resource paralegals and a staff specialist were initially assigned to the Realignment team. As significant legal issues arose and there was an increase in Writs of Habeas Corpus petitions advocating for client's rights, a dedicated Writs lawyer was added to the team. In addition, non-dedicated staff assist with investigations and clerical needs.

Legal Issues and Challenges to Realignment

Realignment brought about significant statutory changes which presented and continues to present legal and constitutional issues of first impression. OCPD attorneys have been diligently identifying these issues on behalf of each client. As a result, the number of contested hearings have more than doubled from last year's total. Litigation on these and other types of legal issues are expected to be ongoing for some time.

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Type of Work	Quarter 4 (2014)	Quarter 1 (2015)	Quarter 2 (2015)	Quarter 3 (2015)	Total Oct 2014-Sep 2015
PCS cases opened	358	423	315	320	1416
MS cases opened	267	261	187	186	901
Parole cases opened	164	192	172	196	724
Total Court Appearances (includes PCS, MS and Parole)	1559	1322	1222	1154	5257
Contested hearings	47	38	40	52	177

Addressing PCS, MS and Parole Client Needs

OCPD continues to work in a collaborative manner with Orange County's public protection partners: OC Probation, Sheriff's Department, the Department of Corrections and Rehabilitation Health Care Agency and the District Attorney's Office.

Since the inception of AB109 the originally assigned two resource paralegals have worked tirelessly to provide re-entry services to the Realignment clients. They developed the life interview form to make sure each client's needs are accurately documented. They initiated and established relationships with various agencies such as

the Department of Motor Vehicles, Child Support Services, the Social Services agency for Medi-Cal, food stamps and General Relief and the Veterans Administration for disability benefits.

Those two paralegals have rotated into new assignments and two new paralegals have been trained to fill those positions. In very short order they have become well versed in the resources available to assist the clients. They have learned that early assessment of a client's needs is crucial to the client's success. As a result, they make daily visits to the jail to make sure the in custody clients take care of all the essential paperwork necessary to make the transition from jail a smoother process.

They have begun to conduct monthly visits to drug treatment programs that are attended by MS, PCS and parole clients. As a result they are able to provide on-site services to those clients. In addition, they are working closely with the Division of Adult Parole Operations of the California Department of Corrections and Rehabilitation. The resource paralegals attend monthly meetings held by Parole of recently released parolees to answer any questions these individuals may have.

In addition, the new resource paralegals have been working with Pat Moore Foundation. The majority of the residents of Pat Moore are on Parole and enter the program straight from state prison. The paralegals provide these individuals with a wide-range of resource services such as documentation to obtain a birth certificate, DMV vouchers, Proposition 47 petitions, and resource lists for employment and education. Many of these individuals have spent substantial portions of their life incarcerated; therefore, the resource paralegals offer them assistance with the transition process.

Client needs are unique, varied and many times very basic such as food, shelter, clothing, medical and other health assistance, and access to various (substance abuse) treatment programs. They need assistance in getting proper forms of identification such as a State ID, social security cards, and birth certificates. Clients also have employment and educational resource needs, legal aid and family law issues. OCPD provides referrals to various resources that enable clients to obtain assistance for their needs. Housing, particularly transitional house and employment continue to be the biggest needs of the clients to ensure success on supervision. It is often easy for a homeless client to be found in violation of their terms of supervision due to their circumstances. It is most difficult to find housing options for Penal Code Section 290 (sex offender) registrants forcing most to remain homeless.

Summarized below are the types of services provided to clients:

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Types of Services	Quarter 4 (2014)	Quarter 1 (2015)	Quarter 2 (2015)	Quarter 3 (2015)	Total Oct 2014-Sep 2015
Client jail visits	130	64	120	64	378
Client Program visits	88	34	40	56	218
Phone Calls (to and from clients)	595	443	543	271	1852
Program and Service referrals	540	372	488	182	1582
Obtaining Valid Forms of ID (including SSI and Birth Certificates)	147	115	181	157	600

Health Care Agency

Behavioral Health Treatment Services for Offenders under PCS and MS

The Health Care Agency (HCA) Behavioral Health Services (BHS) has developed a continuum of treatment services comprised of several programs that are available to offenders who have untreated substance use and/or mental health disorders. These services are provided directly by County staff as well as by community-based providers through contract. Studies show that a majority of offenders released from custody have substance use disorders (SUD) and/or mental health disorders and many of them, commit crimes related to their disorders.[4] The purpose of providing treatment services to offenders released under Realignment is to reduce recidivism and costly re-incarceration by treating SUDs and mental illness. Services are available to all Realigned individuals under supervision in Orange County. Information noted in this section includes both Postrelease Community Supervision (PCS) and Mandatory Supervision (MS) participants, unless otherwise noted.

Substance Use Disorders and Adult Mental Health Services (AMHS)

Referral Process and HCA Resources

Utilizing standardized assessment tools, the BHS assessment team, which is embedded at the OC Probation office, determines individual treatment needs and placement in services. The assessment team facilitates the referral and enrollment of the offender into county and contracted treatment providers. Case management services are available, especially for those who have higher need.

HCA has a well-developed behavioral health system of care to meet the various needs of individuals. For individuals with serious and persistent mental illness (SPMI) and co-occurring disorders, assistance includes emergency services, four adult regional outpatient clinics, Assertive Community Treatment teams (a best practices field based model – proven to be effective with difficult to engage chronically mentally ill individuals), transitional housing also known as “shelter beds”, sober living, Full Service Partnerships, and Outpatient Recovery Centers along with various Prevention and Intervention Programs. A HCA psychiatrist is out-stationed at OC Probation and provides medication services on site as needed to those who require immediate assistance but may not meet the eligibility criteria for County mental health services. Mental health care coordinators have a dedicated caseload of Realignment clients are located in Santa Ana.

Substance use detoxification and treatment is available to all eligible Realignment clients. Detoxification services include medically supervised and social model detoxification and methadone detoxification services. All Realignment clients participating in detox are encouraged to enroll in treatment upon detoxification. For individuals with SUDs and co-occurring mental health disorders, services include residential and outpatient treatment provided by community treatment providers. Narcotic Replacement Therapy including methadone maintenance is also available to clients. Sober Living, which is housing in a sober environment, is provided to qualified individuals.

All behavioral health treatment providers are encouraged to utilize evidence-based treatment models and

[4] Simpson, DD., (Spring 2004) IBR Research Roundup Retrieved from http://www.ibr.tcu.edu/pubs/newslet/04spring.pdf

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practices throughout the continuum of services offered to clients. One widely-accepted evidence-based approach is Cognitive Behavioral Therapy (CBT), which teaches offenders that they are not merely victims of their personal circumstances, but that they are responsible for the choices they make within their circumstances. Research has demonstrated the effectiveness of CBT for reducing recidivism among offenders [5], in that it addresses errors in thinking associated with criminality, such as victim mentality, justification, entitlement, and power orientation.[6] Treatment is designed to encourage offenders to formulate positive life goals and seek permanent positive change.

HCA Assessment Team – Referrals for Treatment

Behavioral health services for Realignment clients started in November 2011. OC Probation and HCA developed a collaborative plan to address behavioral health needs of Realignment clients. This plan included jointly-funded services and ongoing coordination. In October 2013, OC Probation Chief Steve Sentman presented the "Chief's Award for Collaborative Partners" to the HCA Behavioral Health team for effective collaboration with OC Probation. This year the collaboration has been recognized and received awards from the National Association of Counties (NACo) and the California State Association of Counties (CSAC).

During most of the first year of implementation of realignment, two HCA assessment staff were co-located in the Santa Ana OC Probation Office. HCA placed one additional staff at the Westminster and Anaheim OC Probation offices in FY 2013-14. Based on need, these three staff may be shifted to provide adequate coverage at one site or the other. All offenders with current or past behavioral health issues are referred by Probation to the HCA assessment team. Assessment staff conduct thorough evaluations on approximately 10 clients per day, while collaborating and coordinating care with Deputy Probation Officers (DPOs), following up on clients, and providing general case management of all PCS/MS clients with a history of mental health and/or substance abuse issues.

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[5] Lipsey et al., 2007; Wilson et al., 2000 & Pearson et al. 2002

[6] Yochelson, S., Samenow, S. (1976). The criminal personality. Vol. I: a profile for change. New York: Jason Aronson, Inc.

Current Services

PCS/MS individuals not in need of specialty mental health services or substance abuse treatment are linked to resources in the community to address identified needs. From November 2011 through September 2015, OC Probation referred 11,727 Realignment clients to HCA's BHS. Of those, 86% (10,042) were assessed during the same time period. Many clients are assessed multiple times and given non-behavioral health service referrals. The table below captures the clients who were assessed, and received referrals to different behavioral health treatment and were finally admitted from November 2011 through September 2015.

HCA Treatment Assessment and Admissions

(November 2011 through September 2015)

Referred to BHS Treatment	Total	Admitted to BHS Treatment	Total	%
Outpatient SUD Tx	2,275	Outpatient SUD Tx	1,742	77%
Residential SUD Tx	1,857	Residential SUD Tx	1,655	89%
Outpatient AMHS	402	Outpatient AMHS	243	60%
Sober Living	383	Sober Living	368	96%
Social Model Detox	431 *	Social Model Detox	332	77%
Medical Detox	61 *	Medical Detox	36	59%
Full Service Partnership (FSP)	50 *	Full Service Partnership (FSP)	36	72%
Shelter	59 *	Shelter	39	66%
Methadone Detox	53 *	Methadone Detox	48	91%
Methadone Maintenance	46 *	Methadone Maintenance	30	65%
Clients seen by Psychiatrist	328 *	Clients seen by Psychiatrist	280	85%
Grand Total	**5,945**	**Grand Total**	**4,809**	**81%**

*Estimated, not tracked from the beginning

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Case Management

As systems are developed and implemented to address the many needs of Realignment offenders, navigation through these systems may be difficult for the offender. A case manager who facilitates transition between offenders in-custody and community resources is pivotal in the successful transition of the offender. The behavioral health assessment team makes the referrals and links the client with a case manager. The case manager works closely with clients who have a co-occurring diagnosis but do not qualify for County mental health services and with a psychiatrist while also following-up to help the client access medication. Additionally, the case manager works closely with OC Probation in the jails. In conjunction with the re-entry DPO, the case manager provides an orientation in all the County jails and meets with soon-to-be-released Realignment inmates to discuss OC Probation expectations and treatment services available upon release.

The case manager works with clients to assist them in all transition periods. This includes release from prison or jail, detox to treatment and/or treatment to sober living.

Substance Use Disorder Residential Services

Residential treatment services are available for up to 90 days. Eligible participants receive a range of treatment and recovery services based on individualized treatment plans.

Range of activities for program participant includes:

- Evaluation/assessment of participant
- Individualized treatment planning
- Program orientation
- Provision for required attendance at self-help meetings or other support group
- Substance abuse education
- Individual, family or group counseling
- Discharge planning
- Linkage to:
  - vocational and literacy training
  - collateral services
  - case management
  - relapse prevention
  - recreational and socialization activities
  - food and shelter

Currently, HCA contracts with four community-based treatment providers, for approximately 95 beds. Providers are located in north and central Orange County with easy access to public transportation. These providers are Phoenix House, Woodglen Recovery Junction, Cooper Fellowship, and Unidos.

This past year there were two Orange County Grand Jury Reports on AB 109 and both reports identified the need for additional residential treatment beds. Available funding was the issue when the reports were written. Since then, additional funds were identified and offenders requiring residential treatment were able to have continual access to this service. As recovery is a process, most offenders who enter treatment are not ready for the commitment required to live a sober lifestyle and thus are not successful in abstaining from drugs. When this service was initially implemented, many offenders had multiple attempts at residential treatment and thus the demand for this service was high. With limited funds and beds available, a policy on enrollment into residential treatment was formulated. This new policy allowed offenders who have never received residential services be given higher priority. Offenders with multiple previous attempts were put on the County's non-AB 109 waitlist for an available county-funded bed. This increased the availability of residential treatment services to prospective participants, especially offenders new to residential treatment. Usual wait time for residential treatment funded through AB109 was only a couple of days. Going through the County's waitlist process could be anywhere from a week to a month.

Assessment staff work closely with offenders to determine the most appropriate treatment modality. Individuals who were not able to access residential treatment services were encouraged to participate in outpatient services and/or OC Probation's Day Reporting Center (DRC). Individuals with alcohol and/or opiate problems were encouraged to participate in the Vivitrol program which provided an opportunity to maintain sobriety in the community. Additionally, individuals actively participating in their recovery were afforded the opportunity to be in sober living.

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Transitional Housing/Shelter Beds

A large majority of the individuals being released into the Realignment program present with multiple mental health diagnoses, substance abuse diagnoses, trauma history, and medical issues. Additionally, individuals who are being assessed for services have few resources available to them immediately upon release such as housing, employment, or limited job skills. The housing options that are currently available to the offender outside of family members and/or friends, is temporary community shelters, and sober living. Individuals qualified for sober living are given that opportunity. HCA has identified a need for SPMI individuals who do not need sober living, but could benefit from transitional/shelter beds. HCA has contracted shelter beds for clients who have co-occurring mental illness and/or SUDs. Residents are given assistance and monitoring in taking medication, scheduling treatment appointments, transportation, and performing daily living skills, such as grooming and hygiene. Referrals primarily come from Adult Behavioral Health Outpatient Services staff who also assist individuals to locate vacancies and access residential care homes and secure more permanent housing. HCA contracts with the California Hispanic Commission on Alcohol on Drug Abuse (CHCADA), who operates Wisteria House. HCA plans to continue to identify and develop appropriate structured housing options for the Realignment population in need of behavioral health services.

Transitional housing, not necessarily linked to behavioral health services, has been of high demand by Realignment individuals seeking housing assistance. Many individuals do not want or think they need the structure and accountability of a sober living and would prefer transitional housing. Additionally, shelter beds are limited to persons with mental illness. HCA and its partners are exploring funding opportunities to possibly be able to purchase transitional housing.

Sober Living with Outpatient Care

Sober Living homes must meet the Orange County Adult Alcohol and Drug Sober Living Facilities Certification Guidelines, which is overseen by the Sheriff's Department. Research has shown that a sober living environment provides for a safe and supportive interim housing option for offenders during their transition back into the community.[7] All such homes have house rules and mandatory curfews. Clients may stay in sober living up to four months as long as they are actively engaged in their treatment. Clients have the option to continue to self-pay for sober living after their four months have expired. Almost all of the clients in sober living have graduated from 90 day residential treatment programs and need additional support to maintain their sobriety. Research indicates when housing is combined with evidence based programming, there is a higher likelihood of decreasing recidivism.[8] As noted earlier, more clients are being offered sober living if coupled with outpatient and/or day reporting services. All sober living residents require participation in self-help support groups such as 12-step programs that address numerous addictive and dysfunctional behaviors. All residents are subject to random drug tests. As a condition of receiving sober living housing, participants are required to participate in outside care, through the DRC and/or County-approved outpatient treatment services.

HCA currently contracts with five sober living providers, Clean Path Recovery, a men's sober living; and Collette's Children Home, a sober living for women and children; Grandma's House of Hope and Esther House, both sober living housing for women; and New Life Spirit for men. The total number of sober living beds in the County is now 64, with a minimal wait time to get into care.

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[7] Douglas L. P, and Henderson, D. Psychoactive Drugs, (2008 June); 40(2): 153–159)

[8] Hiller, M.L., Knight, K and Simpson, D.D. (Addiction - 1999 June; 94, (6), 833–842)

Substance Use Disorder Services (SUD)

Outpatient SUD treatment consists of individual and group therapy, which includes criminal justice specific program curricula. As previously noted, combinations of evidence-based approaches are utilized for substance abuse treatment in Orange County. Aspects of the traditional self-help programs such as the 12-step programs are integrated with more clinical approaches to substance abuse treatment. Currently there are six SUD outpatient providers. Outpatient providers are Korean Community Services, CHCADA operating La Familia, Phoenix House, Associates in Counseling and Mediation, Mariposa Family Center, and Changes for Recovery.

Narcotic Replacement Therapy (NRT)

NRT is for clients with opioid addiction needing narcotic replacement maintenance therapy (maintenance) or narcotic replacement detoxification (detox). Maintenance includes daily methadone dosing and full scope outpatient counseling services. Services are provided seven days a week, 365 days a year. Additionally, dosing is available to pregnant women who are incarcerated and already on methadone, such as those who are flash incarcerated. Methadone is also available to individuals while enrolled in our Gerry House or Heritage House programs. Neither of these residential service providers receive Realignment funds, but will accept Realignment clients with the need to remain on methadone. Gerry House is a co-ed residential facility and Heritage House is a perinatal residential program for pregnant and parenting women with children.

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Mental Health Services

Mental Health Services for the Severely and Persistently Mentally Ill (SPMI)

HCA Adult Mental Health Services (AMHS) provides outpatient recovery mental health services and episodic treatment services which emphasize individual needs, strengths, choices, and involvement in service planning and implementation. Services include assessment, evaluation, individual, family and group therapy, substance abuse treatment, intensive case management, medication management, rehabilitation, linkage and consultation, placement, plan development, crisis intervention and specialized residential services.

Realignment clients are eligible to participate in all levels of mental health care, but have primarily been treated in the four regional outpatient clinics. The criteria for the outpatient programs includes adults who have a serious and persistent mental disorder and also those that have a co-occurring SUD and impairment in their ability to function in the community, or who have a history of recurring substantial functional impairment, hospitalization or symptoms.

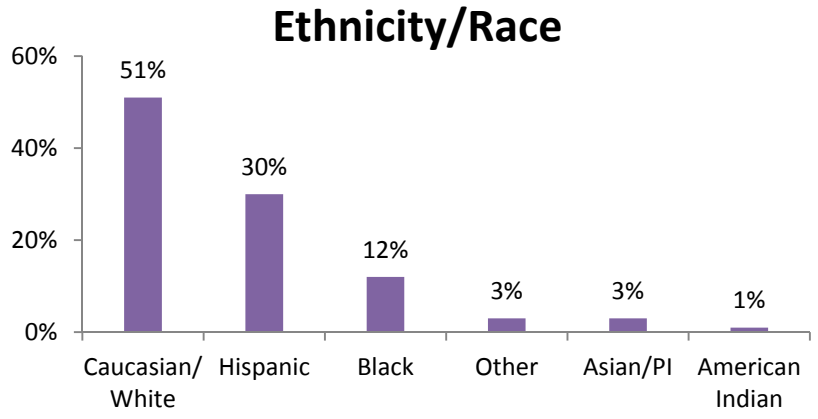
Mental Health Services for the non-SPMI dually diagnosed

Not all individuals who have mental health disorders are able to meet established SPMI criteria to receive services from AMHS. One service that was implemented in July, 2012 was the placement of a part-time HCA psychiatrist, out stationed at OC Probation along with the Assessment team, to provide short-term psychiatric care for individuals that do not qualify for County mental health services. Many have psychiatric histories and have been prescribed psychiatric medications while in prison. The HCA psychiatrist conducts an initial assessment at the Santa Ana Probation office to determine appropriateness for medication and prescribes accordingly. The psychiatrist sees the client one to three times to ensure medication compliance and the HCA case manager works in conjunction with the psychiatrist to ensure the client can obtain the medication and linked to medical coverage, such as Medi-Cal.

HCA Adult and Older Adult Behavioral Health AB 109 program continues to partner with OC Probation to provide an opportunity for Realignment clients to receive comprehensive mental health and co-occurring services in an effort to assist clients in successfully regaining and achieving independence and self-sufficiency in the community.

From October 1, 2014 to September 30, 2015, a total of 135 clients were served, of which 125 were unduplicated. During this period, the program had 87 admissions and 88 discharges with an average tenure of 203 days per client.

As reflected in the graphs below, the majority of clients served were Caucasian followed by Hispanic, and of those served the majority carried a co-occurring diagnosis.



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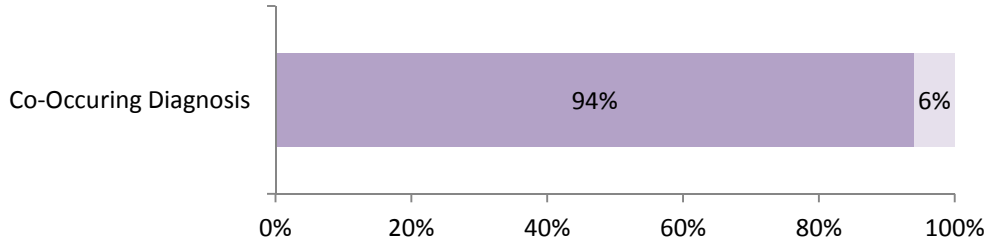
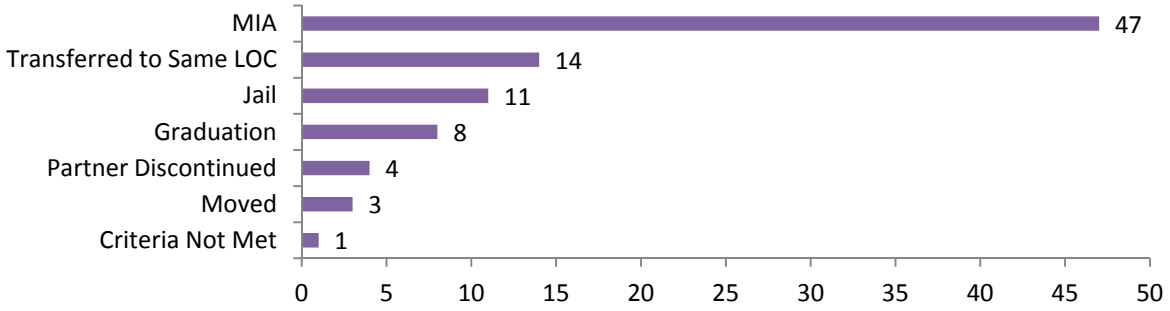


Discharges

As reflected in the bar graph below, the program had 8 graduations, 11 incarcerations, and 47 clients that dropped out of mental health treatment.



As reflected in the following table, of the clients who graduated, 2 continued mental health treatment via private practitioners, 3 via county mental health clinics, 2 declined ongoing mental health treatment, and 1 continued care with another County. In addition, of the clients who moved, 1 continued services outside the County. For the clients who moved while engaged with the AB 109 program, 2 moved out of County and 1 moved out of State. Furthermore, of the clients transferred to same level of care services, 10 transferred to a Full Service Partnership, 2 continued mental health treatment via county clinics, 1 linked to treatment with another County, and 1 established services with Assisted Outpatient Treatment (AOT).

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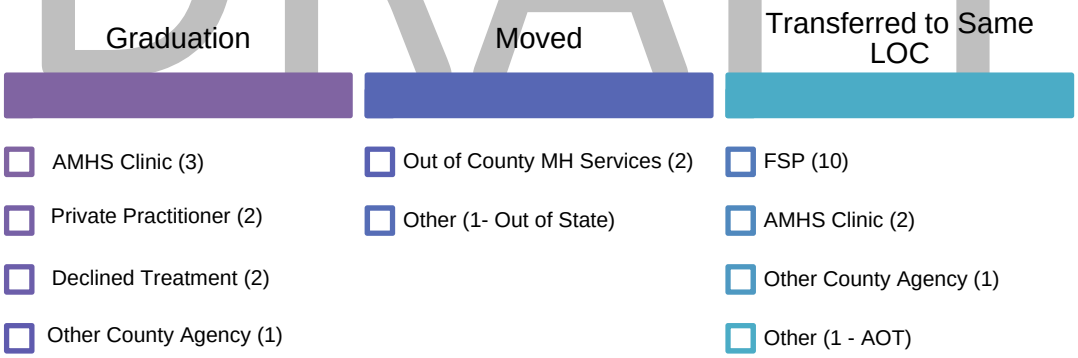

Medication Assistance

The Realignment program has developed two tracks to manage medications. When the individual meets the criteria for specialty mental health services, they are linked with the appropriate clinic or level of care which includes a psychiatrist to assess, prescribe, and monitor medications. If the individual does not meet medical

necessity but has been prescribed medications while incarcerated, the HCA psychiatrist provides a brief assessment and medication services until the individual can access a community psychiatrist. The medication assistance is a crucial element in working with the Realignment population and will continue to expand as needed.

Full Service Partnership (FSP)

HCA contracts with various agencies to provide Full Service Partnership programs for people living with a serious and persistent mental illness. These programs provide a high intensity level of care to traditionally underserved clients who are homeless or at risk of becoming homeless. One of these providers: College Community Services' Opportunity Knocks (OK), was contracted to provide specialty services to the Realignment population. Opportunity Knocks has a long history of addressing the unique needs of participants who have both a history of mental illness and incarceration. The demand for this service has continued to increase. In order to meet the anticipated demand additional funding has been earmarked to secure an additional care coordinator and the provider will have the ability to double its current capacity. Initial capacity was 15 clients, but was increased to 30 clients. As of October 2015 there are 21 clients receiving services at OK.

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Vivitrol - Medication Assisted Treatment (MAT)

Vivitrol, is long acting Naltrexone injectable, it is a Food and Drug Administration (FDA) approved opiate antagonist. Vivitrol blocks the opiate receptors, thus denying the euphoric effect of the opiate. Vivitrol works by blocking the effect that alcohol or opioids have on the brain, and reduces the cravings that many people experience after they quit. It has been demonstrated to be effective in the treatment of opiate addiction and alcoholism, and is given to the patient by intramuscular injection once every thirty (30) days. In most cases, the initial Vivitrol injection ideally is given to a referred participant in the detention facility approximately one to two weeks prior to their release, and thereafter by the selected treatment provider. Participants who do not receive an initial injection in the detention facility may also be referred for services. The treatment provider will ensure that Vivitrol is administered by a healthcare professional, such as a physician, nurse, or physician assistant in accordance with protocols set forth by the pharmaceutical company.

The Vivitrol Program started in January 2014. The primary goal of this program is to treat opiate and alcohol addiction in persons with substance abuse disorders who are released either from prison on PCS or from Orange County jails on MS.

Since the inception of the Vivitrol Program, we have added the in-custody component. HCA does an AB109 bi-monthly in-custody presentation at all five Orange County Jails as well as the local California Prisons. The purposes of the presentations are two-fold:

1) Explain in detail the requirements and benefits of the AB-109 programs including Vivitrol;
2) Identify the immediate needs of the participants and assisting the clients in removing some of the barriers participants may encounter prior to entering and during their participation in programs.

The in-custody participants, who are identified for the Vivitrol Program, are tested and given the necessary lab tests while the client is in custody. Once the lab tests are negative, the in-custody Medical Staff generally administers the participant's first Vivitrol shot one to two weeks prior to the participant's release from custody. If HCA was unable to administer the Vivitrol shot in-custody, a medical evaluation is performed at initial visit to the referred community Vivitrol Providers.

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Each month participants are drug tested for compliance. Females of child bearing age are assessed and given a pregnancy test as pregnant women do not qualify. Participants may remain on AB 109 Vivitrol program for 90 days. Participants requiring additional injections are referred at a minimum every 90 days to HCA Screening staff for approval for continued participation. Participants must concurrently receive outpatient treatment/counseling services while receiving Vivitrol MAT. Participants must maintain compliance with their treatment plan, and attend regularly scheduled outpatient appointments.

Most participants can obtain Medi-Cal within the first month in the community. Vivitrol is easily accessible through Medi-Cal for Realignment participants. All Realignment participants are linked to some type of medical coverage, such as Medi-Cal, Covered California or private insurance. Most Vivitrol participants continue to secure third party payment for their Vivitrol within their first couple of months out of custody. This has helped to reduce overall costs of the program, and allows participants to remain on Vivitrol for as long as necessary with the appropriate funding and/or medical coverage.

Detoxification

Social Model Detox

Many offenders who relapse on drugs or alcohol after their release from custody express a desire for treatment. In order to start effective treatment, many individuals need to detox from alcohol or their drug of choice. HCA currently contracts with three social model detox providers. Social model detox requires intense supervision and monitoring of individuals as they detox. Social model detox does not administer medication. Individuals requiring medication or medical detox are referred to a "medical detox provider". Social model detox is being provided by Woodglen Recovery Junction, Roque Center, and California Hispanic Commission on Alcohol and Drug Abuse (CHCADA) who operates Unidos.

After someone completes detox, they usually require or desire continued treatment. The detox providers work closely with our County gatekeeper to assist clients discharging from detox to transition to residential services. The gatekeeper will identify the first available treatment bed and make every effort possible to ensure that the client is discharged from detox and able to enter residential treatment the same day. Clients whose needs do not require residential treatment are referred to appropriate aftercare services such as outpatient, OC Probation's DRC and/or 12-step meetings.

Medical Model Detox

In Orange County, a large number of individuals each year seek detoxification services from alcohol and other drugs. Most of these individuals are referred to residential social model detoxification programs. However, some of these individuals are in need of medical attention and supervision due to acute withdrawal symptoms. Additionally, medically supervised inpatient service is the safest way to provide detoxification from alcohol and/or other drugs in cases which could otherwise be life-threatening. Services include medically monitored inpatient substance abuse detoxification under the direction of a physician. These include a 24-hour "on call" physician and 24-hour nursing care, medication prescriptions, individual and/or group counseling, and discharge planning including linkage to residential treatment. Services are critical for participants who are unable to detox in an unsupervised environment as they run the risk of medical complications and may end up requiring acute emergency care. Medical detoxification serves clients with substance use disorders and individuals that need detoxification from substances including but not limited to alcohol and benzodiazepines. Services are available for up to 10 days. There is currently one provider, Behavioral Health Services, who has two locations, one in Pomona, California and another Long Beach, California.

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Methadone Detoxification

Methadone Detoxification is daily methadone dosing used in decreasing medically determined dosage levels for a period of no more than 21 days to reduce or eliminate opioid addiction. All clients are tested for methadone compliance and illegal substances at least once a month. Western Pacific Clinic is the only provider of this service. They have two locations, one in Stanton, California and one in Fullerton, California. As with all detox services, clients are encouraged to continue their treatment and the assessment staff work with the client to link them to continued care.

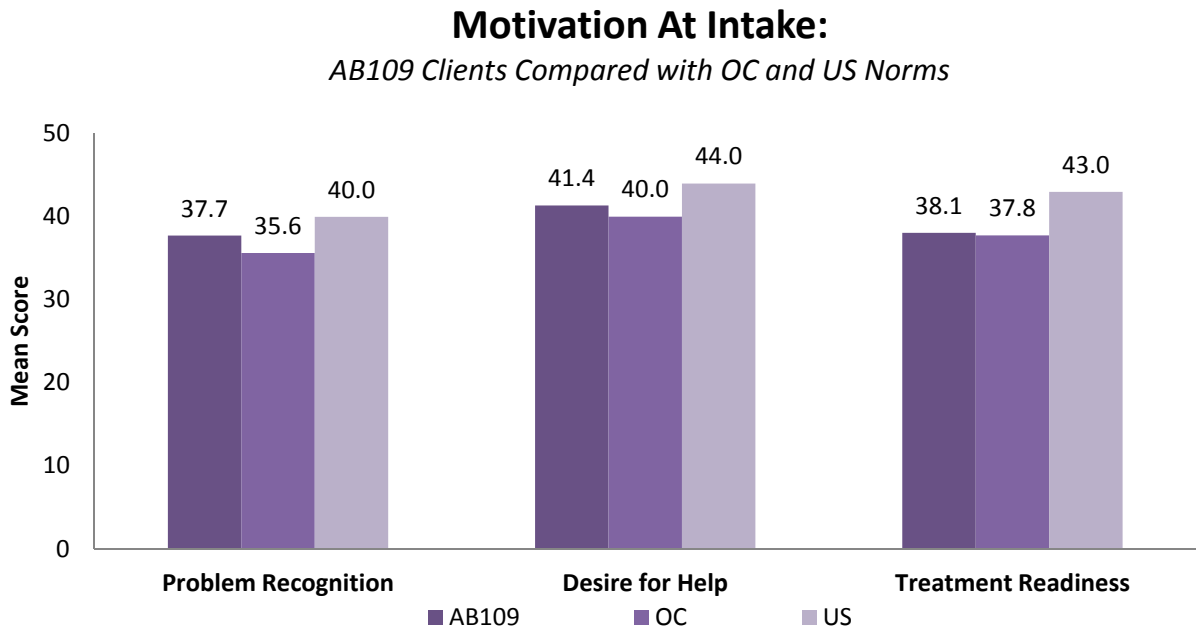
HCA Service Outcomes

Realignment Client Psychological Functioning: Motivation, Engagement, and Support

Client levels of motivation are measured at intake, as well as at various time points during treatment, including at discharge. Additionally, client engagement in treatment (i.e., rapport with counselors and participation in treatment), as well as peer support within the program and social support outside of the program are measured during treatment and at discharge.

CESI Assessment

Average Client Evaluation of Self at Intake (CESI) scores for all Realignment clients since November 2011 are shown in the figure below, along with comparisons to local and national norms. At intake, Realignment clients had lower motivation than clients seeking substance abuse treatment nationwide, and their motivation scores were slightly higher (or comparable) to the average client entering substance treatment in Orange County. This means that Realignment clients are lower in motivation upon entering drug and alcohol treatment than substance abuse patients nationwide, but score comparable to clients in Orange County.

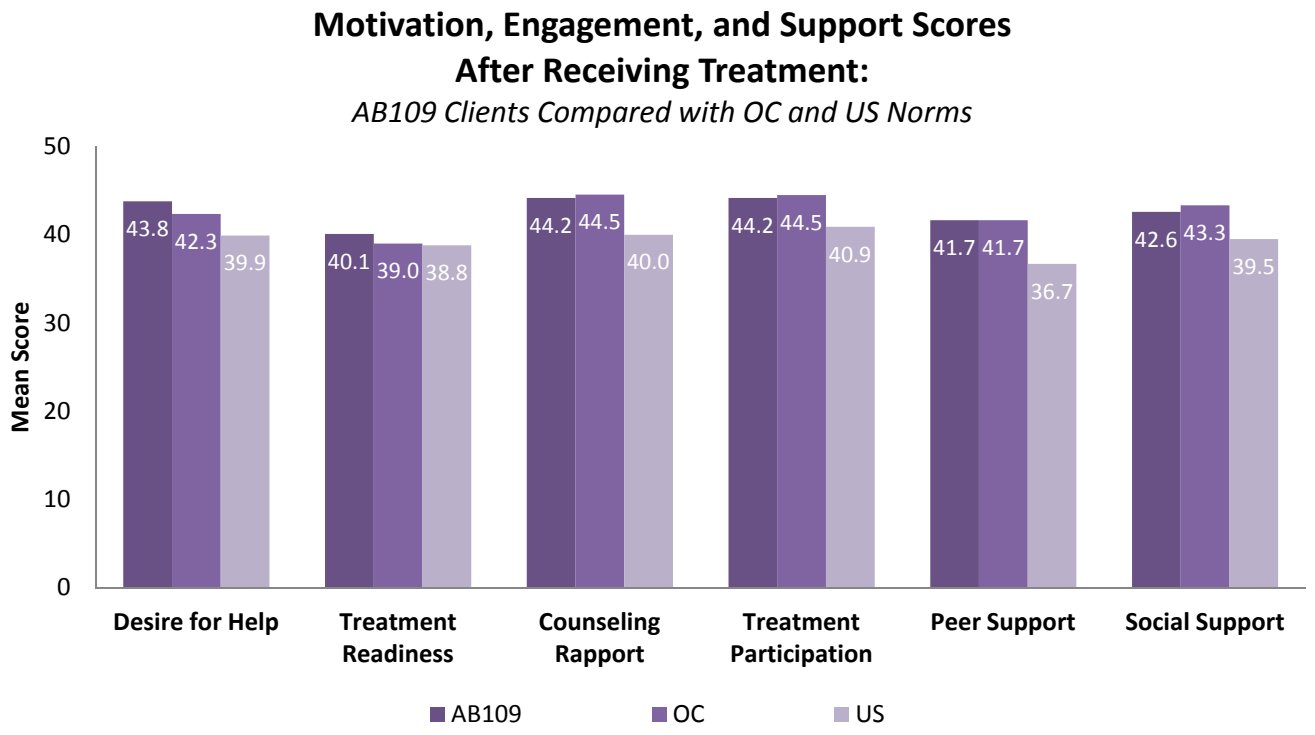


CEST Assessments

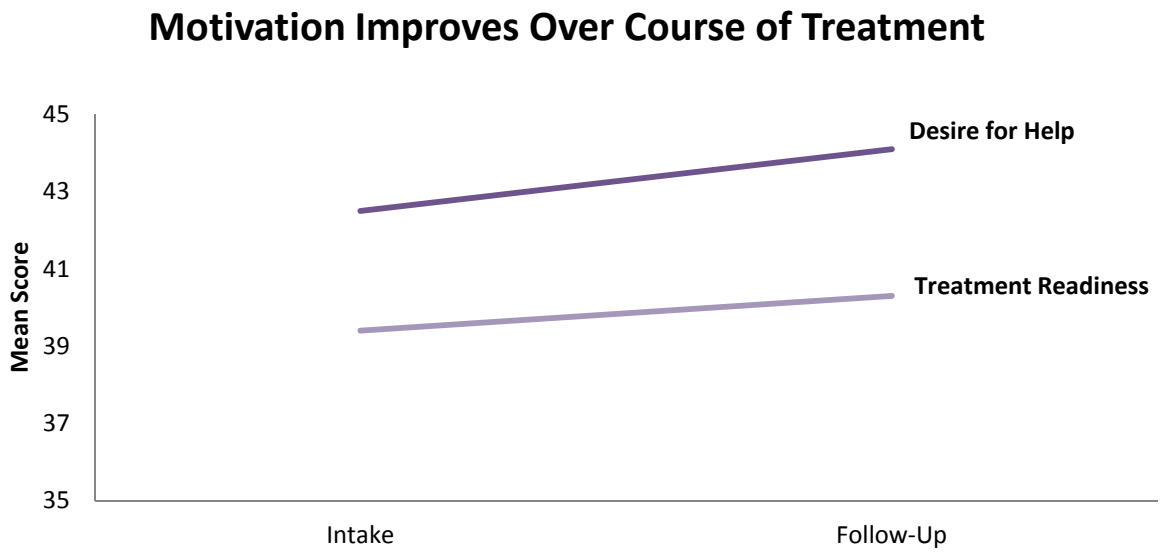
Average Client Evaluation of Self and Treatment (CEST) scores for all Realignment clients since November 2011 are shown in the figure below. Clients' average scores were also compared to Orange County and National norms.

After receiving treatment, Realignment clients had higher motivation and readiness for change scores compared to Orange County clients in general, and higher than clients' nationwide. This suggests that Realignment clients fare well in terms of their motivation for recovery in substance use treatment, when compared to other clients in Orange County and nationwide. Realignment clients also showed better engagement, peer support in the program, and social support outside of treatment after receiving services than clients nationwide. Additionally, AB109 clients showed similar engagement and support scores to other

clients entering treatment in Orange County, suggesting that Realignment clients respond to treatment similarly to other substance abuse clients in the County.



Finally, AB109 clients showed statistically significant improvements in motivation for recovery over the course of treatment.



Client Satisfaction Survey of SUD Services

SUD's client feedback regarding services is collected by HCA staff via client satisfaction surveys administered in December 2014 and June 2015 to participating county-funded clients. [9] Overall satisfaction was 92% being satisfied or very satisfied.

Client Satisfaction Survey Results

Provider	Type of Treatment	% of Clients very satisfied or satisfied	
		Dec 2014	June 2015
Cooper Fellowship #	Residential	89%	76%
Phoenix House	Residential	78%	76%
Unidos	Residential	84%	78%
Woodglen Recovery	Residential	97%	96%
Associates in Counseling #	Outpatient	96%	100%
Changes for Recovery #	Outpatient	92%	96%
KC Services #	Outpatient	98%	97%
La Familia #	Outpatient	98%	97%
Mariposa #	Outpatient	99%	96%
Phoenix House Outpatient	Outpatient	98%	98%
Western Pacific	Outpatient Methadone	97%	N/A

Represent programs with AB109 participants only

Adult Mental Health Service (AMHS) Outcomes

From October 1, 2014 through September 30, 2015, the mental health clinic served 135 clients. During this period, 11 clients gained employment and worked a total of 1,631 days, and 3 clients enrolled in school. There was an 83% decrease in psychiatric hospitalizations and a 57% decrease in homelessness.

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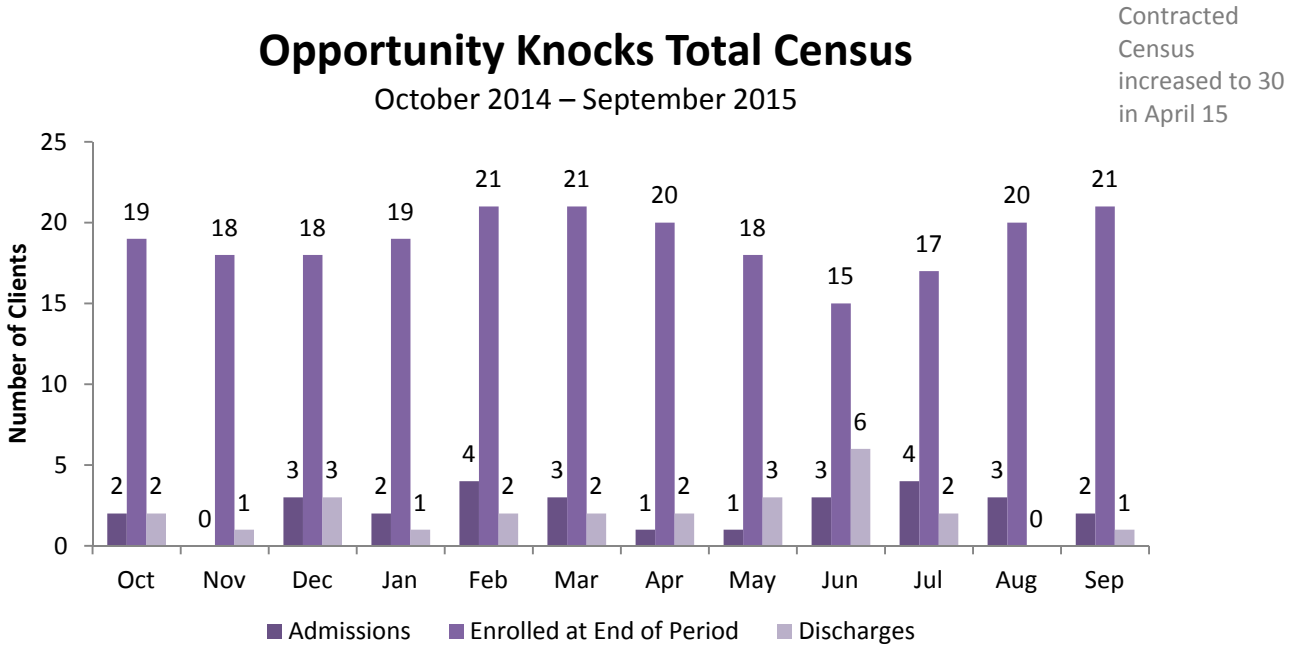
Domain		12 Mo Prior to Enrollment	Since Enrollment	Difference	Percent Change
Hospitalization	Psychiatric Hospital (# Clients)	5	4	-1	-20%
	# Psychiatric Hospital Days	197	34	-163	-83%
Incarcerations	Incarcerated (# Clients)	99	28	-71	-72%
	# Incarcerated Days	20,164	1,066	-19,098	-95%
Homelessness	Homeless (#Clients)	44	31	-13	-30%
	# Homeless Days	6,600	2,830	-3,770	-57%
Employment	Employed (#Clients)	4	15	11	275%
	# Employment Days	186	1,817	1,631	877%
Education	Enrolled in School (#Clients)	0	3	3	

[9] Internal HCA document. These surveys are administered by HCA Program Evaluation Specialist Staff for assessing program quality.

Full Service Partnership Outcomes

Tracking participant outcomes is an integral part as it provides valuable information enabling Opportunity Knocks (O.K.) to continuously tailor services and support to achieve the best possible success for all clients. Four areas of particular importance of data collection for Opportunity Knocks include reducing incidences with the criminal justice system, reducing number of days clients are homeless, identifying primary disability to best meet the client's needs, and reducing the number of client and days spent in a psychiatric hospital.

Opportunity Knocks began in September 2013, and the contract was increased by 15 clients for a total of 30 this fiscal year. From October 1, 2014 through September 30, 2015, the program served 43 clients. The data below reflects an average of 2.33 new admissions every month, with a 58.33% increase in clients served in FY 14/15 compared to FY 13/14. In September 2015, there were a total of 21 AB109 clients enrolled in Opportunity Knocks.



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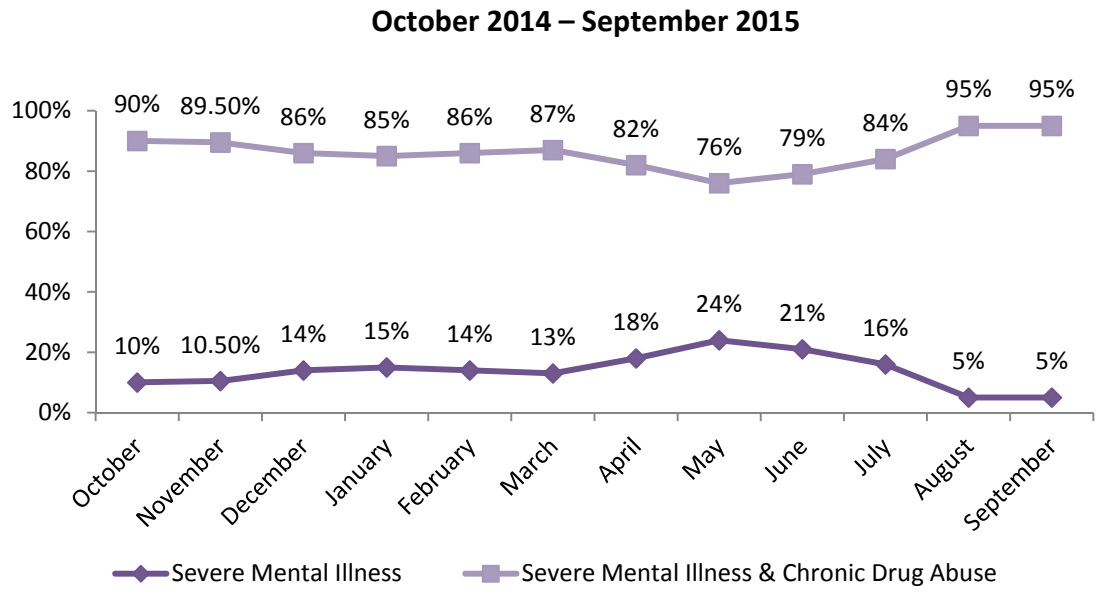
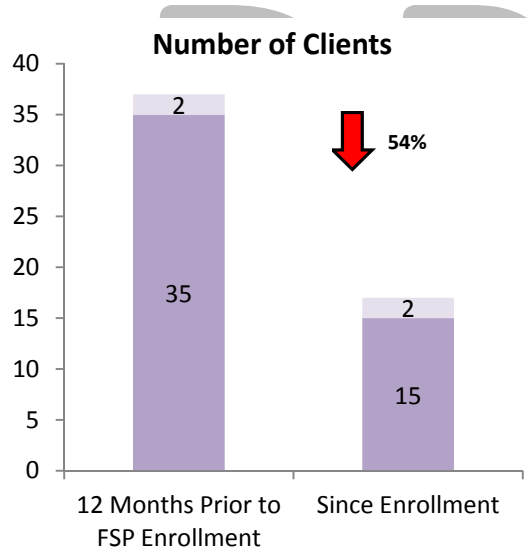
Primary Disability

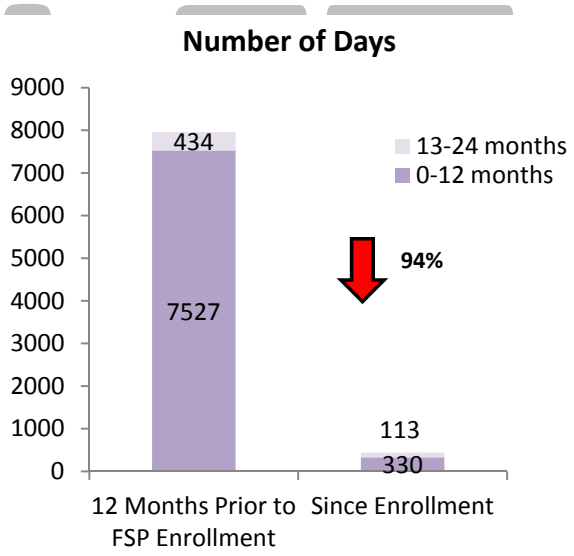
For all clients served between October 2014 and September 2015, an average of 86% of clients has been diagnosed with co-occurring disorders (Severe Mental Illness and Chronic Substance Use).



Incarceration

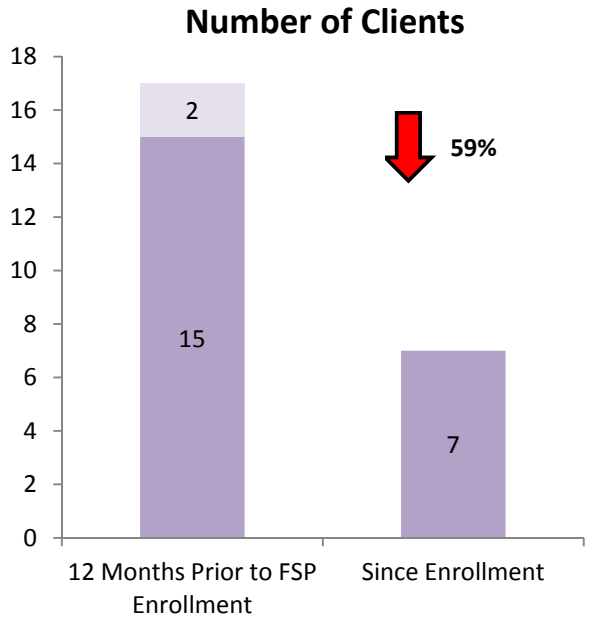
For all clients served since September 2013, there was a 54% decrease in total clients incarcerated with a 94% decrease in days incarcerated. From October 1, 2014 through September 30, 2015, there was a 71% decrease in clients incarcerated with a 95% decrease in days incarcerated.

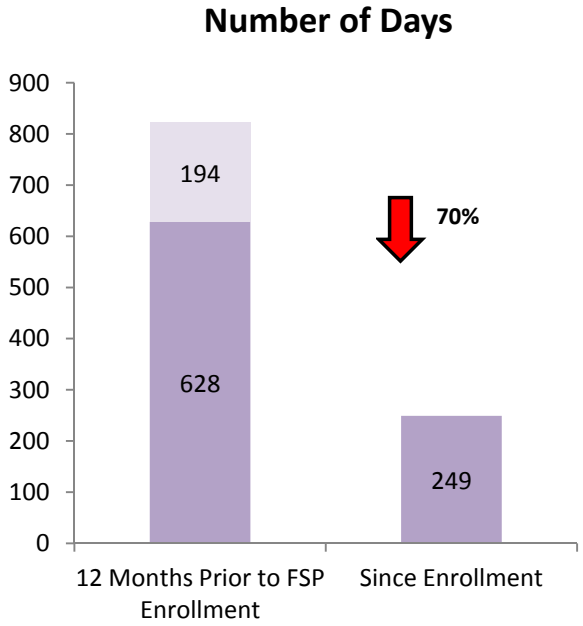




Psychiatric Hospitalization

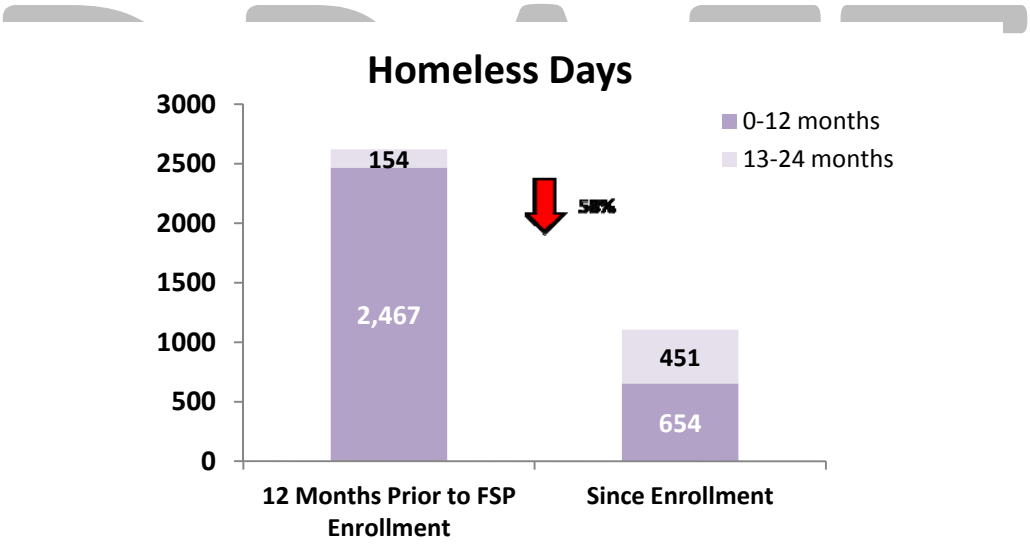
For all clients served since September 2013, there was a 59% decrease in clients hospitalized and a 70% decrease in psychiatric hospitalization days. From October 1, 2014 through September 30, 2015, psychiatric hospitalization decreased by 59% with a 69% decrease in days hospitalized.





Homeless Days

For all clients served since September 2013, there was a 58% decrease in the amount of days clients were homeless. From October 1, 2014 through September 30, 2015, client homelessness days has decreased by 48%.



Opportunity Knocks will continue to utilize outcomes as a guide in an effort to provide services that are coordinated, effective, and comprehensive. We will also continue to focus on participants' strengths and self-identified goals and objectives.

Narcotic Replacement Therapy Program Outcomes

Outcomes for this program are inclusive of all County-funded NRT clients during FY 2014-15. For FY 2015-16, it is anticipated that the program will show similar or higher outcomes than indicated in FY 2014-15.

	FY 2013-14	FY 2014-15
Methadone compliance	99%	87%
Abstinence from illegal substances	71%	43%

In FY 2014-15, the provider reported differently on abstinence. Previously abstinence data was reported after three months. The reason for the three months was it takes about that long for the client to have a stabilizing dose that one blocks the effects of opiates, and two, reduces cravings. It is not uncommon for clients to use during the initial months while achieving a therapeutic level of methadone.

Vivitrol Outcomes

All participants who received injections continued to test negative for opiates over the time they received their injections. Fourteen participants did have positive tests for methamphetamine. The longest active participant has received ten injections and has tested negative for drugs the entire time. Some of our clients were lost to Proposition 47 and/or formal probation.

Vivitrol Outcomes In-Custody Cumulative Stats			
Assessed	51		
Approved	24	1st Injection	9
Probation / Early Release	8		
Refused/declined	7		

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The following table breaks down number of individuals and their injections who were referred and remained in treatment:

Vivitrol Injections						
Number of Injections*	**1**	**2**	**3**	**4**	**5**	**6**
# of Clients	46	32	18	17	14	9
Positive Drug Screen	9	2	0	1	1	1

Successes – 46 clients have received Vivitrol injections, most of which was administered in the community. All 46 participants were engaged in outpatient services. Thirty-two of the 46 participants made it to their second injection in the community. Thirty of the 32 participants who received their second injections tested negative for opiates and alcohol over the time they received their injections. The longest active client has received ten (10) injections and has tested negative for drugs the entire time.

Medical Detox Program Outcomes

Outcomes for medical detoxification are measured by completion rates. For FY 2015-16, it is anticipated that the program will have similar or higher completion rate as reflected in FY 2014-15.

	FY 2013-14	FY 2014-15
Completion Rate	74%	72%

Sober Living Outcomes

Sober living data between October 1, 2014 and September 30, 2015 showed that there was a total of 131 clients discharged, of those 104 (79%) secured stable housing upon discharge. Stable housing is defined as client moving out of subsidized housing into a residence that they pay for. This includes living independently, or in shared housing with family or friends, paying for their own sober living, etc.

Admitted	Discharged	Completed	Completion Rate
117	131[10]	104	79%

Residential Treatment Outcomes

There were 336 clients admitted to residential substance use disorder treatment between October 1, 2014 and September 30, 2015. A total of 355 clients were discharged, of those 144 (41%) completed treatment.

Admitted	Discharged	Completed	Completion Rate
336	355[11]	144	41%

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Outpatient Treatment Outcomes

There were 428 clients admitted to outpatient substance use disorder treatment between October 1, 2014 and September 30, 2015. A total of 527 clients were discharged, of those 112 (21%) completed treatment.

Admitted	Discharged	Completed	Completion Rate
428	527[12]	112	21%

The completion rate is low and HCA is looking into the reasons why. It has been reported that many clients feel they can do well and leave after a few sessions, possibly with 12-step program participation only.

[10] Report includes current clients in care at the beginning of the reporting period; therefore, discharges may exceed admits.
[11] Same as above
[12] Same as above

In-Custody Health Care (Correctional Health Services-CHS)

For the reporting period of October 1, 2014 through September 30, 2015, one hundred nineteen (119) individual inmates were hospitalized off-site, which is a marked increase from the previous year with only thirty-nine (39) being hospitalized during that period. However, two years ago, we had eighty-nine (89) individuals hospitalized. With these marked variances in hospitalization utilization, it is difficult to determine trends at this point. We will continue to monitor these numbers.

All primary care physician services are provided within the jails; however, when a Realignment inmate needs specialty services, they are transported to specialty medical clinics off-site (such as, Cardiology, Nephrology, Oncology, OB, Surgery, etc.). There are currently nearly 26 specialty clinic services available with an average of 130 specialty clinic visits conducted for Realignment individuals each quarter. This equates to an average of 26% of the specialty clinic service business attributed to AB 109 inmates—which is slightly lower utilization the previous year (31% of specialty clinic visits).

It is an interesting shift of markedly increased hospitalization rates but decreased specialty clinic services during this reporting period. This is the exact opposite of the trends the previous year which had hospitalization utilization decreased and specialty clinic utilization increased. Again, with these variances, it is difficult to trend and predict utilization in the years ahead. We will need to continue to monitor and assess.

In-custody Correctional Health Services triages and screens every Realignment inmate in the jail to determine their medical and mental health needs and subsequent treatment and medication plan. Volume of patients is reflected in the Sheriff's section of this report, as all in-custody inmates on the Sheriff's census are also managed by in-custody healthcare staff.

In conjunction with Behavioral Health Services, CHS also administered Vivitrol to seven (7) inmates prior to their release. Coordinated follow up is arranged for these individuals to receive additional injections post-release via BHS outpatient services.

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Recidivism: New Crime Convictions

(1-Year, 2-Year, and 3-Year Follow-Up)

Individuals under supervision by OC Probation were tracked for three years (up to September 30, 2015) from the date of their placement on probation, release from prison to Postrelease Community Supervision (PCS) or release from jail to Mandatory Supervision (MS) to see if they were convicted of a new crime (both felonies and misdemeanors) within that period. OC Probation used the Orange County Superior Court records (thus this data does not include any out-of-County convictions that may have occurred) for convictions that occurred between October 1, 2011 and September 30, 2015 for analysis.

Supervision Type	Description	1-Year Follow-Up Cohort	2-Year Follow-Up Cohort	3-Year Follow-Up Cohort
Probation	New felony offenders placed on formal probation in Orange County between October 1, 2011 and September 30, 2012 (3-Year), September 30, 2013 (2-Year), or September 30, 2014 (1-Year)	13,475	9,068	4,217
PCS	Individuals released from prison between October 1, 2011 and September 30, 2012 (3-Year), September 30, 2013 (2-Year), or September 30, 2014 (1-Year)	4,355	3,249	2,249
MS	Individuals sentenced to Mandatory Supervision and released from jail between October 1, 2011 and September 30, 2012 (3-Year), September 30, 2013 (2-Year), or September 30, 2014 (1-Year)	2,061	1,236	423

Presented in the figure below are the recidivism rates of Probationers, PCS, and MS individuals. The 1-Year Cohort were individuals placed on probation, released from prison to PCS, and released from jail to MS from October 1, 2011 thru September 30, 2014. The 2-Year Cohort and 3-Year Cohort were released thru September 30, 2013 and September 30, 2012 respectively. All of the individuals were followed thru September 30, 2015 regardless of supervision status.

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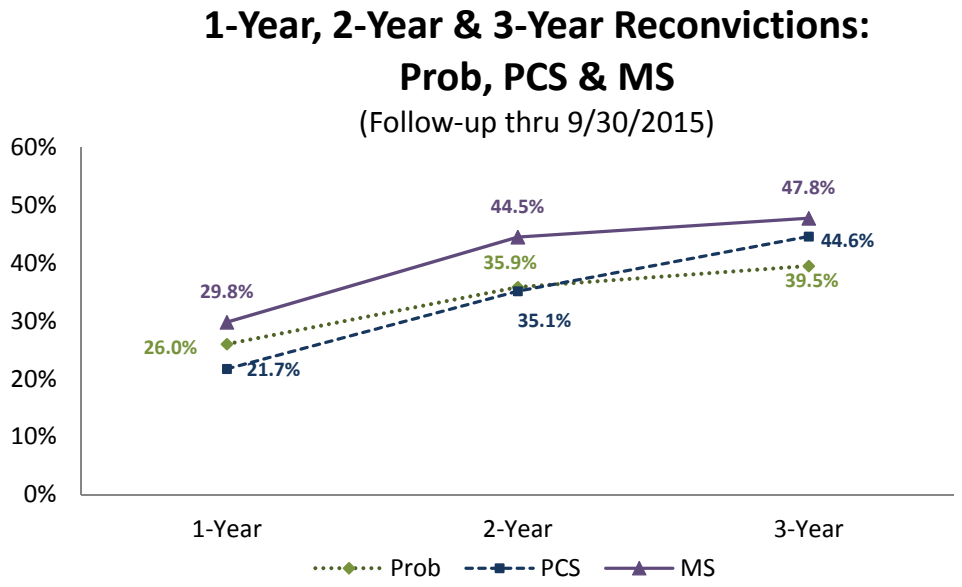
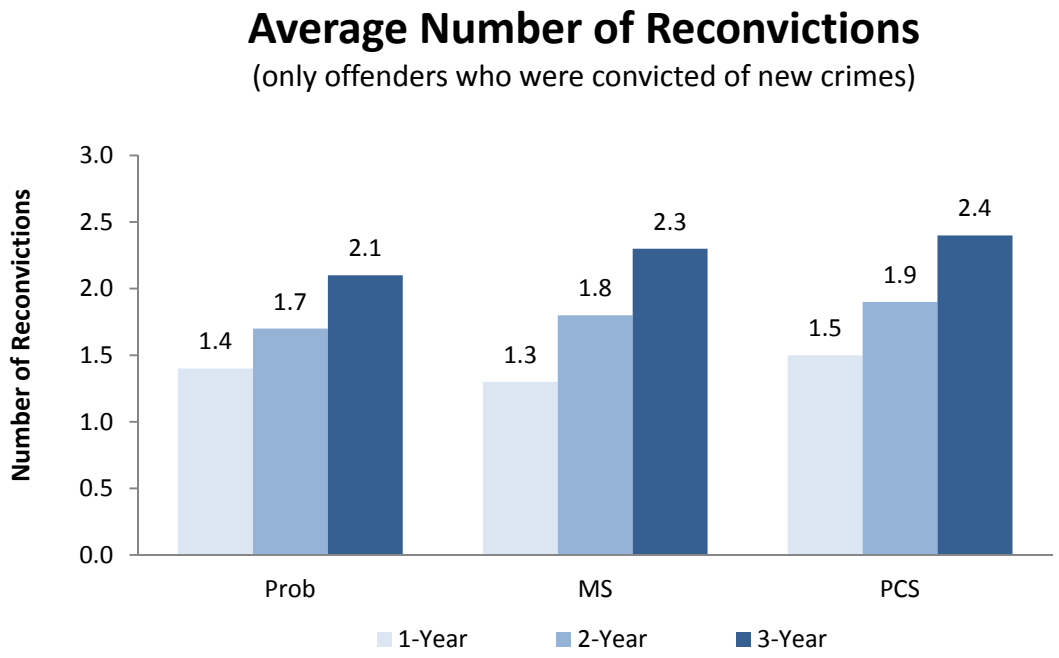
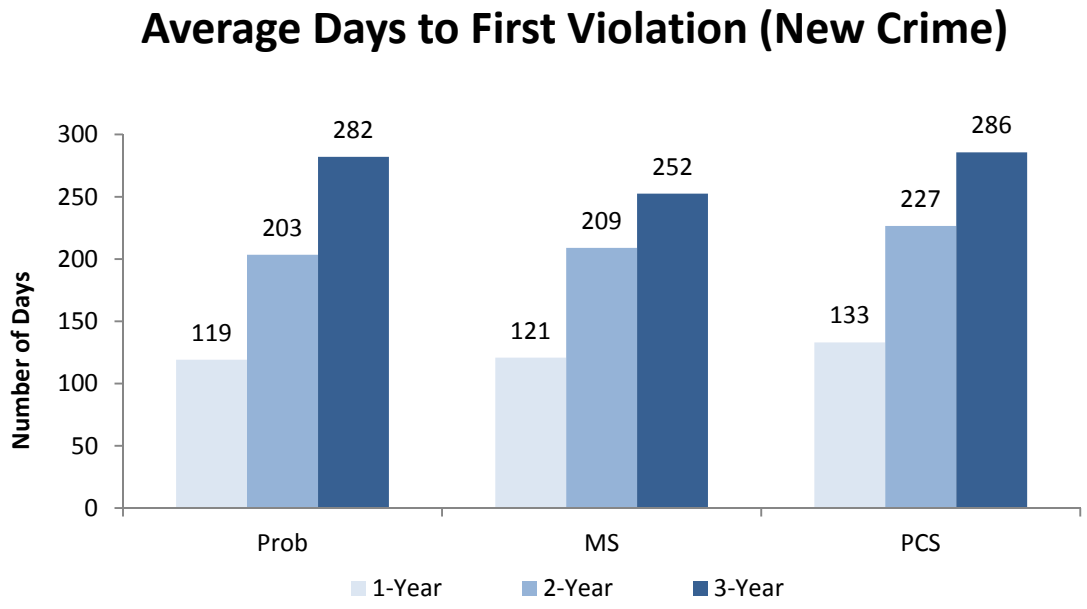
PCS individuals in the 1-Year and 2-Year Cohorts had the lowest rates of reconvictions of the three groups. The MS individuals in the 1-Year, 2-Year and 3-Year Cohorts had the highest rates of reconvictions.



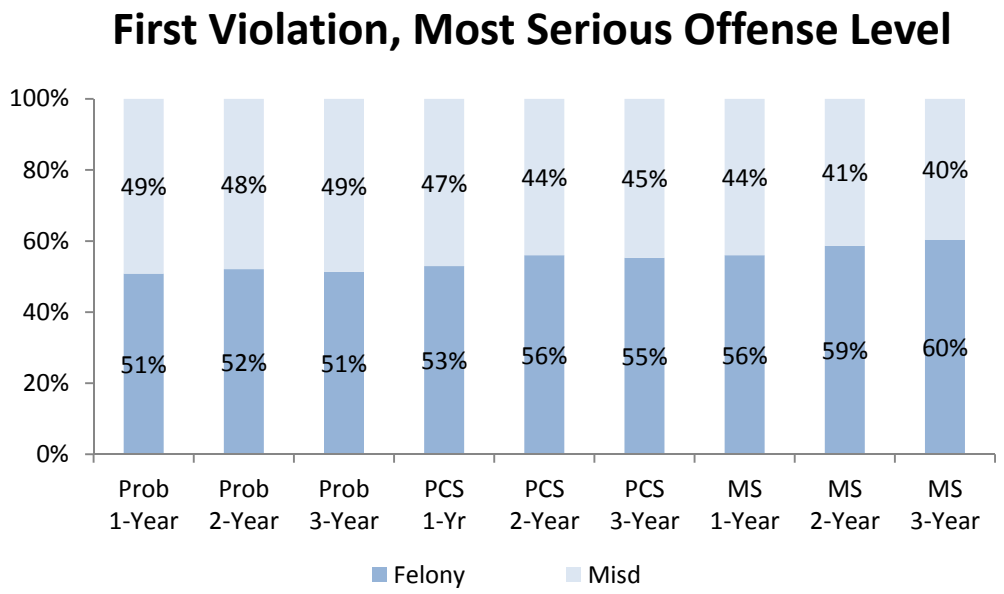
The chart below showcases the average number of new crime reconvictions for each follow-up period through September 30, 2015. PCS had the smallest percentage of individuals with reconvictions; however, they recidivated more frequently than any of the other groups.



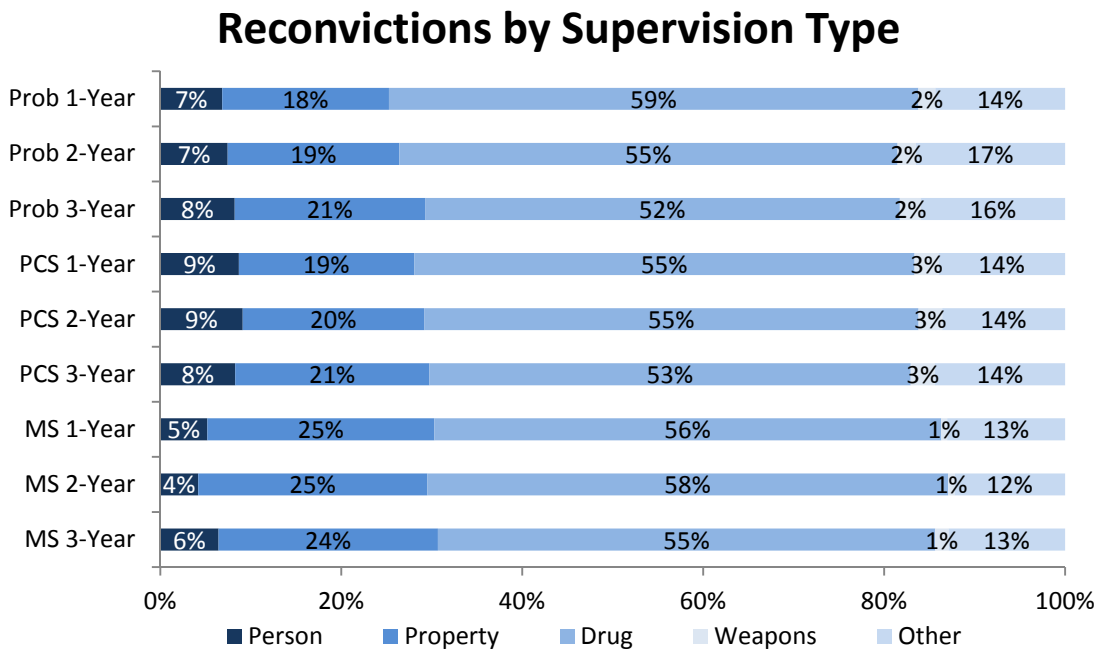
Probationers and MS individuals in the 1-Year Cohort reoffended the soonest, having committed their first violation in about 119-121 days on average after placement on probation or release from jail. In comparison, PCS individuals committed their first violation 133 days after release from prison.



MS individuals had the highest rates of felony reconvictions, especially the 3-Year Cohort, whose first violations were largely felonies (60% felony and 40% misdemeanor). Probationers had the lowest rates of felony violations, just over half for the 1-Year, 2-Year, and 3-Year groups.



Drug crimes, both felony and misdemeanor, made up the majority of the reconvictions across all the groups and the follow-up periods, ranging from 52% to 59%. Property crimes were a distant second followed by Other. Crimes in the "Other" category are not limited to: driving under the influence and similar vehicle code crimes, public intoxication and loitering, possession of burglary tools, disobeying domestic relations court order and falsely representing self to officer.



Key Findings

- A majority of the individuals in all the cohorts did not have a reconviction for a new crime from their placement on probation or release from prison or jail. For those who did so, the range of reconviction rates by cohort are as follows:
    - The 1-Year Cohort reconvictions rates ranged between 22% and 30%
    - The 2-Year Cohort rates climbed to 35% to 45%
    - The 3-Year Cohort rates leveled out, ranging from 40% to 48%
- Across all groups and cohorts, the most frequent reconvictions were drug and property crimes, and just over half were felonies.

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Glossary

Abbreviation	Description
Realignment	Public Safety Realignment Act of 2011
CAO	County Administrative Officers
CDCR	California Department of Corrections and Rehabilitation
CJI	Crime and Justice Institute
CSAC	California State Association of Counties
CSG	Council of State Governments
DA	District Attorney
DPO	Deputy Probation Officer
DRC	Day Reporting Center
EBP	Evidence-Based Practices
EM	Electronic Monitoring
GED	General Education Development
GPS	Global Positioning System
HCA	Health Care Agency
HD	Home Detention
ICMS	Integrated Case Management System
IEPP	Implementing Effective Probation Practices
Medi-Cal	Health coverage for low-income children, pregnant women, seniors and persons
OCCCP	Orange County Community Corrections Partnership
OCDA	Orange County District Attorney's Office
OC Probation	Orange County Probation Department
OCPD	Orange County Public Defender
OCSD	Orange County Sheriff's Department
PC	Penal Code
PCS	Postrelease Community Supervision
PV	Probation or Postrelease Community Supervision Violation

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Realignment Publications

TOPIC/TITLE	Date	LINK
County of Orange: OC Probation Postrelease Community Supervision		http://ocgov.com/gov/probation/prcs
Board of State and Community Corrections (BSCC) Community Corrections Partnership Plans		http://www.bscc.ca.gov/s_communitycorrectionspartnershipplans.php
Alternatives to Incarceration in California By Brandon Martin and Ryken Grattet	April 2015	http://www.ppic.org/main/publication_quick.asp?i=1146
Realignment, Incarceration, and Crime Trends in California By Magnus Lofstrom and Steven Raphael	May 2015	http://www.ppic.org/main/publication_quick.asp?i=1151
Pretrial Detention and Jail Capacity in California By Sonya Tafoya	July 2015	http://www.ppic.org/main/publication_quick.asp?i=1154
Crime Trends in California By Magnus Lofstrom and Brandon Martin	September 2015	http://www.ppic.org/main/publication_show.asp?i=1036
Public Safety Realignment: Impacts So Far By Magnus Lofstrom and Brandon Martin	September 2015	http://www.ppic.org/main/publication_quick.asp?i=1164

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Reconvictions (1-Year Follow Up Period thru 9/30/2015)

	Probation Placed on New Fel Probation 10/1/2011 - 9/30/2014		**PCS** Released from Prison 10/1/2011 - 9/30/2014		**MS** Released from Jail 10/1/2011 - 9/30/2014	
	N	% (Rate)	N	% (Rate)	N	% (Rate)
Individuals with a Subsequent Conviction for a New Law Violation (Felony or Misdemeanor)	3,505	26.0%	946	21.7%	614	29.8%
Individuals in Sample - without New Law Violation	9,970	74.0%	3409	78.3%	1447	70.2%
Total Individuals	13,475	100%	4355	100%	2061	100%
Felony as Most Serious Reconviction (Subset)	*1,781*	*13.2%*	*500*	*11.5%*	*344*	*16.7%*
Misdemeanor as Most Serious Reconviction (Subset)	*1,724*	*12.8%*	*446*	*10.2%*	*270*	*13.1%*
Average Days to First Violation	119.1		133.1		120.8	
Felony Reconvictions (Subset)	*2319*	*47.5%*	*687*	*49.1%*	*450*	*54.5%*
Misdemeanor Reconvictions (Subset)	*2562*	*52.5%*	*713*	*50.9%*	*376*	*45.5%*
Total Reconvictions within One-Year	4881	100%	1400	100%	826	100%
Average Number of Reconvictions	1.4		1.5		1.3	

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Reconvictions (2-Year Follow Up Period thru 9/30/2015)

	Probation Placed on New Fel Probation 10/1/2011 - 9/30/2013		**PCS** Released from Prison 10/1/2011 - 9/30/2013		**MS** Released from Jail 10/1/2011 - 9/30/2013	
	N	% (Rate)	N	% (Rate)	N	% (Rate)
Individuals with a Subsequent Conviction for a New Law Violation (Felony or Misdemeanor)	3,251	35.9%	1,142	35.1%	550	44.5%
Individuals in Sample - no New Law Violation	5,817	64.1%	2,107	64.9%	686	55.5%
Total Individuals	9,068	100%	3249	100%	1,236	100%
Felony as Most Serious Reconviction (Subset)	*1,693*	*18.7%*	*640*	*19.7%*	*322*	*26.1%*
Misdemeanor as Most Serious Reconviction (Subset)	*1,558*	*17.2%*	*502*	*15.5%*	*288*	*23.3%*
Average Days to First Violation	203.5		226.5		209.0	
Felony Reconvictions (Subset)	*2,770*	*48.8%*	*1,166*	*53.2%*	*557*	*55.1%*
Misdemeanor Reconvictions (Subset)	*2,909*	*51.2%*	*1,024*	*46.8%*	*453*	*44.9%*
Total Reconvictions within One-Year	5,679	100%	2,190	100%	1,010	100%
Average Number of Reconvictions	1.7		1.9		1.8	

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Reconvictions (3-Year Follow Up Period thru 9/30/2015)

	Probation Placed on New Fel Probation 10/1/2011 - 9/30/2012		**PCS** Released from Prison 10/1/2011 - 9/30/2012		**MS** Released from Jail 10/1/2011 - 9/30/2012	
	N	% (Rate)	N	% (Rate)	N	% (Rate)
Individuals with a Subsequent Conviction for a New Law Violation (Felony or Misdemeanor)	1,666	39.5%	1,003	44.6%	202	47.8%
Individuals in Sample - no New Law Violation	2,551	60.5%	1,246	55.4%	221	52.2%
Total Individuals	4,217	100%	2,249	100%	423	100%
Felony as Most Serious Reconviction (Subset)	*854*	*20.3%*	*554*	*24.6%*	*122*	*28.8%*
Misdemeanor as Most Serious Reconviction (Subset)	*812*	*19.3%*	*449*	*20.0%*	*80*	*18.9%*
Average Days to First Violation	282.1		285.6		252.5	
Felony Reconvictions (Subset)	*1,636*	*47.4%*	*1,271*	*52.4%*	*255*	*55.1%*
Misdemeanor Reconvictions (Subset)	*1,819*	*52.6%*	*1,156*	*47.6%*	*208*	*44.9%*
Total Reconvictions within One-Year	3,455	100%	2,427	100%	463	100%
Average Number of Reconvictions	2.1		2.4		2.3	

DRAFT

FY 16/17 Proposed AB 109 Allocation

	Base	Growth:	Stabilization	Transition	Performance		Total Growth	Base		Performance		
OC % of Total Allocation	6.39%		6.39%	11.26%	10.83%			6.39%		10.03%		
Statewide Allocation	1,107,500,000		37,570,000	60,690,000	75,140,000		173,400,000	1,204,300,000		96,800,000		
OC Allocation	70,769,250		2,402,178	6,834,719	8,135,932		17,372,829	77,001,428		8,740,407(d)		
	FY 2015-16 ALLOCATION *(Upd per Governor's Budget)*							**FY 16-17 GOVERNOR'S BUDGET - JANUARY REVISE**				
			Approved FY 14-15 Growth Money Allocation									
Department	**FY 15-16 Approved Base Allocation**	%	**Stabilization Allocation**	**Transition Allocation**	**Performance Growth**		**FY 15-16 Total Allocation**	**FY 16-17 Estimated Base Allocation**	%	**FY 15-16 Performance Growth**	%	**FY 16-17 Total Allocation**
Sheriff	36,635,020	54%			5,272,685	88%	41,907,705	41,580,771	54%	7,276,418	83.3%	48,857,189
Probation	15,603,805	23%					15,603,805	17,710,328	23%			17,710,328
HCA (In-Custody)	8,141,116	12%			719,002	12%	8,860,118	9,240,171	12%	992,239	11.4%	10,232,410
HCA (Post-Custody)	6,105,837	9%					6,105,837	6,930,129	9%			6,930,129
District Attorney	339,213	0.5%					339,213	385,007	0.5%	421,750	4.8%	806,757
Public Defender	339,213	0.5%					339,213	385,007	0.5%	50,000	0.6%	435,007
Local Law Enforcement (Total)	678,426	1%					678,426	770,014	1%			770,014
Subtotal	67,842,630	100%	-	-	5,991,687	100%	73,834,317	77,001,428	100%	8,740,407	100%	85,741,835
One-time and Special Allocations												
Undistributed Allocation (CCP Approved)			919,078	5,033,412			5,952,490					
Undistributed Add'l Allocation (Jan Revise)	2,926,620		633,100	1,801,307	2,144,245		7,505,272					
District Attorney - Add'l One-time			800,000				800,000					
Public Defender - Add'l One-time			50,000				50,000					
Subtotal	2,926,620		2,402,178	6,834,719	2,144,245		14,307,762	-		-		-
Total	70,769,250		2,402,178	6,834,719	8,135,932		88,142,079	77,001,428		8,740,407	100%	85,741,835

FY 15-16 Notes

(a) The undistributed allocation of $2,926,620 is the variance between the CCP approved budget of $67,842,630 in base funding vs. the estimated amount provided in the Governor's January Revise. This is available to reallocate for department shortfalls.

(b) The undistributed growth allocation of $4,578,652 is an estimate of Orange County's share of the additional growth included in the Governor's January Revise. The Statewide Growth estimate of $173.4M in the January Revise is $45.7M more than what was in the CCP approved budget. At this point, the distribution of growth funds is unknown. This chart shows the estimates should the growth funds be split evenly between the three pools. Should the additional funding be allocated solely to performance growth, OC's share is estimated at $4,948,258.

FY 16-17 Governor's Budget Notes

(a) The Governor's Budget included an increase of $89.6M from the FY 2015-16 SFP Projection of $1,114.65M for a base allocation of $1204.3M. Using OC's established base percentage, OC's share of the funding is $77M. This is $5.7M than what was included in the FY 2016-17 SFP Projection.

(b) As the percentage for OC's share of the growth funds is not yet known, the preliminary split showing FY 2014-15 growth funding for OC at 10.03% was used for the FY 2015-16 growth assumptions.

(c) Growth funding was previously split based on historical percentages to Sheriff (88%) and HCA (12%), as those Departments historically had the largest shortfalls. In FY 2014-15, funding was sufficient to cover all Department expenses. Based on the historical expenditure trends and requests for additional funding from the Public Defender and District Attorney, it is recommended that the growth funds are split between the four departments as noted.

(d) Starting in FY 2016-17, 10% of the growth received (attributable to FY 2015-16) is redirected from the Community Corrections, Trial Court, DA/PD and Juvenile Justice Growth Subaccounts to the Local Innovations Subaccount. OC's AB 109 growth allocation will be reduced by $971,156 from $9,711,563 to $8,740,407. The table below shows the projected redirection of estimated growth from the funds to the local innovations subaccount.

(e) Unspent funds from Departments' allocations shall be reallocated between Departments to offset shortfalls. If Departments' unspent allocations are insufficient to cover expenses, funding from the undistributed allocation pool shall be used.

Growth Account	FY 15-16 Growth (OC)	10% to Local Innovations
Trial Court Security	$ 1,112,857	$ 111,286
Community Corrections	$ 9,711,563	$ 971,156
DA/PD	$ 424,800	$ 42,480
Juvenile Justice	$ 1,081,827	$ 108,183
	$ 12,331,048	$ 1,233,105

1-21-16 #5

Ronnetta J. Johnson
Executive Director
Community Service Programs ~ Orange County, California

Ms. Johnson joined Community Service Programs (CSP) in 1995. Within CSP she has held the positions of Program Director for Victim Assistance Programs (1995 – 2001), Director of Human Resources (2001 – 2004), Director of Victim Assistance Programs (2004 – 2015), and Executive Director (2015 – Present). During her tenure with CSP, Ms. Johnson has developed and implemented a variety of trainings and seminars and has been instrumental in the creation of service components which have gain recognition as best practice models. In 2006 Ms. Johnson was designated the 2006 Woman of the Year for California's 71st Assembly District in recognition of her work to promote victims' rights.

Ms. Johnson is currently President of the California Crime Victim Assistance Association (CCVAA) and been designated the Victim Service Provider Representative for the California Office of Emergency Services Victims of Crime Act Steering Committee. Ms. Johnson is a member of the CCVAA Training Committee and has been a core member of the curriculum development and implementation for Coordinators, Entry Level, and Advanced Advocate Trainings for Victim Service Providers throughout the State of California. Ms. Johnson is also a member of the California Coalition Against Sexual Assault Public Policy Committee, a charter Advisory Board Member for the Orange County Family Justice Center, a founding member and Co-Chair of the Orange County Human Trafficking Task Force, a member of the California District Attorneys Association Victims' Rights Committee, and a member of the California Victim Compensation Program Committee.

Ms. Johnson has a Bachelor's Degree in Sociology from the University of Utah and a Master's Degree in Organizational Leadership from Gonzaga University.

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1-21-16 #6

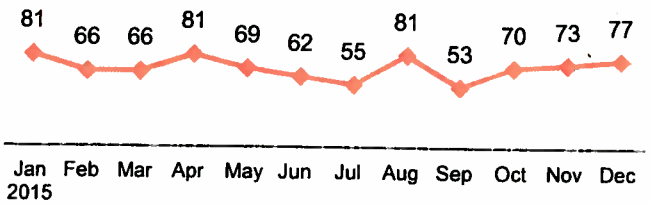
Orange County Probation Department
Steven J. Sentman, Chief Probation Officer

AB109 Realignment Monthly Stats
December 2015

Post-Release Community Supervision (PCS)

Releases from Prison*

from 10/1/11 - 12/31/15 = 5533
2015 YTD = 834
2015 Monthly Avg = 70
2014 Monthly Avg = 96



Currently Supervised:

Actively Supervised	1282
On Active Warrant (includes 296 ICE warrants)	594
Total	1876

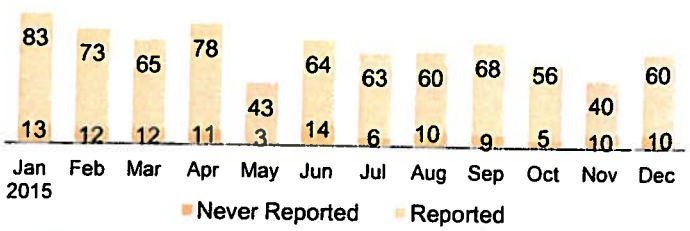
Completions:

1 Yr Mandatory Termination	2005
Other Discharges/Transfers	1652
Total	3657

*Based on CDCR's projected release dates and are subject to change. Numbers reflect the most current release date information.

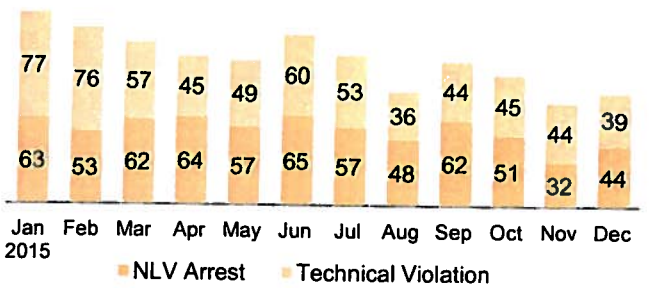
Warrants

2015 YTD = 868
2015 Monthly Avg = 72
36.20% of individuals had at least one warrant issued since 10/1/2011.



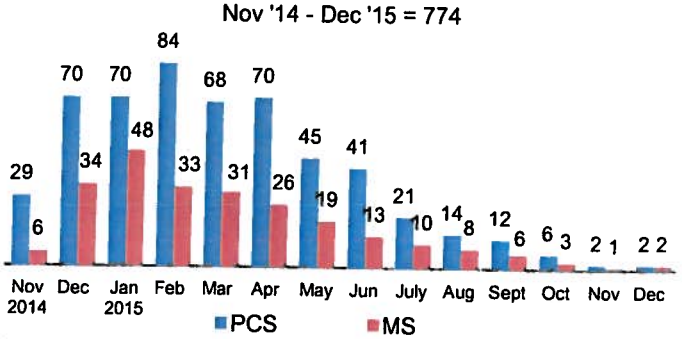
Revocations

2015 YTD = 1283
2015 Monthly Avg = 107
39.67% of individuals had at least one revocation issued since 10/1/2011.



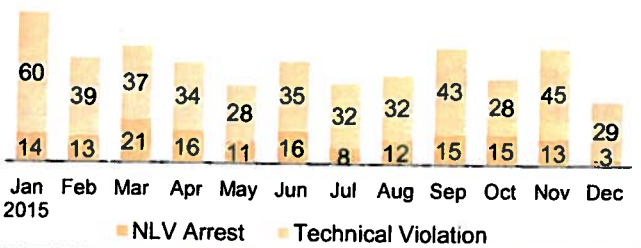
Prop. 47 Terminations

Nov '14 - Dec '15 = 774



Flash Incarcerations

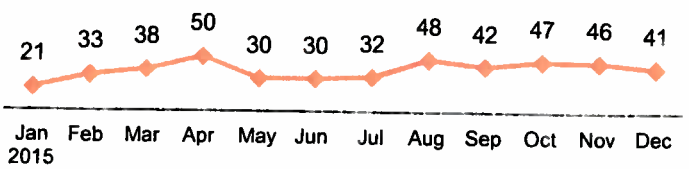
2015 YTD = 599
2015 Monthly Avg = 50



Mandatory Supervision (MS)

Individuals with MS Convictions

from 10/1/11 - 12/31/15 = 2815
2015 YTD = 458
2015 Monthly Avg = 38
2014 Monthly Avg = 58



Currently Supervised:

Actively Supervised (Released from Jail)	504
On Active Warrant as of December 31, 2015	289
Total	793

Awaiting Supervision:

Sentenced (still in custody)	178

Completions:

MS Case Terminated/Expired/Other	1844

Prepared by Communications and Research Division, 1/13/2016
For additional information please go to: http://ocgov.com/gov/probation/prcs and http://ocgov.com/gov/probation/occp

From:	carole
To:	Hale, Mary [HCA]; Petrosino, Sharon [PD]; Ross, Jamie; Sentman, Steven J.; Hutchens, Sandra [OCSD]; Rackauckas, Tony [DA]; todd Elgin
Cc:	Carole Urie
Subject:	Passing on Public comment due to full agenda.
Date:	Wednesday, January 20, 2016 5:56:56 PM
Attachments:	ScreeningOutFamilyTime_January2015.pdf DOJ video visiting 2014.pdf

---

Dear OCCCP Members:

I wanted to present my brief comments made to the BSCC Programs and Services Workgroup last week re Title 15 Article 6, Section 1062, "VISITING", but the agenda looks very full. Therefore a copy of my comments is below, and I have attached pdf's of the two reports which I referenced for your perusal. Should there be time, I would be happy to discuss any questions you may have.

Comments made to BSCC Programs and Services Workgroup

re Title 15, Article 6, Section 1062
January 14, 2015

Good morning. Thank you for allowing public comment.

My name is Carole Urie-Chickering, Executive Director of Returning Home Foundation in Orange County, California
.
Returning Home Foundation is an educational foundation.

As such, I would like to share two pieces of research that may be of interest as you consider Article 6, 1062 "VISITING"

#1 is a report by Prison Policy Institute published last year entitled ***Screening Out Family Time: Implementation of Video Visitation*** that covers video visitation, promises and drawbacks. I am very proud that we supported this research.

I have left a copy of the report for the Committee.

#2 is a Department of Justice report entitled ***Video Visiting in Corrections: Benefits, Limitations and Implementation Considerations.*** It is a valuable resource for any correctional facility planning installation of Video.

The complete findings in that report are quite specific however: "when a person is incarcerated even for a short period of time, family contact and in person visits area crucial to maintaining family stability, reducing disciplinary infractions and violence while incarcerated, reducing recidivism, increasing the chances of obtaining employment post-release, and facilitating successful reentry."

These reports both deal with video visiting as an option, but both offer the importance of including "traditional in-person visiting as a best practice that should continue in all correctional settings when possible."

So, back to Section 1062. Perhaps the word "VISITING" itself might need clarification and an expansion of its

definition to include in-person and video. Both are important forms of communication.

Many jails in California have plans to install video. Some have chosen to eliminate in-person visitation completely instead of using it as an adjunct. Results in some other states have shown that both forms of visitation communications have been reinstated.

There is research presently being conducted on that subject. I would be happy to forward more data as it becomes available.

Thank you.

Carole Urie
Returning Home Foundation
a Non-Profit 501(c)(3) Organization

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U.S. Department of Justice
National Institute of Corrections

Video Visiting in Corrections: Benefits, Limitations, and Implementation Considerations

NIC
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U.S. Department of Justice

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Robert M. Brown, Jr.

Acting Director

Jim Cosby

Chief, Community Services Division

Maureen Buell

Project Manager

Video Visiting in Corrections: Benefits, Limitations, and Implementation Considerations

Osborne Association
Allison Hollihan, LMHC
Michelle Portlock, M.S.

The Osborne Association
Transforming Lives, Communities and the Criminal Justice System

NIC Accession Number 029609
December 2014

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FROM THE ACTING DIRECTOR

Visits from family members, children and other sources of support can be a lifeline in the lives of incarcerated men and women. Visits provide an opportunity to maintain connection, re-build relationships and actively begin to form links to the community both for support and to assist in the reentry process. Yet, visiting takes on added dimensions with the challenges imposed by geographical distance between facilities and visitors, cost implications for transportation, lodging, childcare, lost wages and the roadblocks often presented from institutional security procedures. Emerging research speaks to the importance of building and maintaining healthy family and community connections for men and women, during their period of incarceration as well as for planning and implementing the reentry process. Traditional methods of communication such as phone calls, mail and on-site visiting have their limitations, some of which are noted above. The advent of video visiting has enhanced traditional methods of building and sustaining those critical connections for incarcerated individual, it is also an industry which is expanding exponentially. Little replaces the opportunities for families to see one another in person, but in those situations where that is not possible, video visiting is a viable option. This guide will address the importance of visitation, introduce video visiting as a resource, ideally in concert with in-person visitation, discuss implementation of video visiting, address the importance of setting up a process and outcome evaluation of visiting programs and provide a set of resources for agencies interested in introducing or enhancing their current visiting capacity.

FOREWORD

The impetus for this document came from stakeholders who are keenly aware of the importance of visiting for incarcerated men and women. The benefits of visiting with family and other supportive individuals are well-documented throughout the literature, research, and in the voices of the incarcerated and their families. Visiting policies vary among the over 1,000 prisons and 3,300 plus jail systems across the country. What should be consistent is the acknowledgement by correctional leadership, via policy, that visiting can build and strengthen family connections and provide hope and encouragement for incarcerated men and women. Visiting creates bridges to community supports that promote productive reentry and contributes to improved outcomes, in particular, community safety and reduced recidivism rates.

Virtual events are now commonplace in today's environment and this modality has extended to criminal justice practice through web-based events, telemedicine, and video court hearings, to provide just a few examples. Video visiting software and equipment for jails and prisons are prominent in the exhibit halls at national correctional conferences. There are a wide variety of models emerging and as the technology continues to become more commonplace, affordable, and accessible, an increasing number of correctional systems will be using video visiting. It must be noted that video visiting should not be deemed as an invitation to discontinue in-person visiting. With video visiting come great opportunities as well as cautions and challenges. Creating the capacity to incorporate both visiting approaches in policy and practice provides a resource that captures the advantages that both in-person and video provide to incarcerated populations, families, and other support systems. Well-designed visiting practice can provide advantages to correctional systems through increased engagement in programmatic activities and reductions in negative behavior. With that in mind, the National Institute of Corrections awarded a cooperative agreement through a competitive process to the Osborne Association in New York, a well-established agency that has on-the-ground experience with both in-person and video visiting and a long history of working to strengthen families affected by incarceration. Through the cooperative agreement, the Osborne Association has written a well-researched document that provides 1) an overview of the importance of visiting to include the use of video visiting; 2) considerations for implementing video visiting; 3) an overview for evaluating a video visiting program; and 4) appendices that provide examples, resources, checklists and evaluation tools.

Each chapter of the guide is valuable to assist correctional administrators and staff, as well as potential external partners and stakeholders, to enhance current visiting policy and practice or design a system that incorporates video visiting into overall practice. Taken together, each chapter builds upon the preceding chapter, and the research, practical examples, and tools that are provided throughout the guide will benefit correctional leadership in enhancing current visiting practices.

PREFACE

The purpose of this guide is to inform the development of video visiting programs within a correctional setting. "Video visiting" is real-time interactive video communication which uses video conferencing technology or virtual software programs, such as Skype. It is an increasingly popular form of communication between separated family members in settings outside of corrections. The rapid expansion of video visiting in jails and prisons over the past few years suggests that video visiting may become very common in corrections in the near future.

This guide will help inform administrators about the benefits and challenges of using some common video visiting models across a variety of settings. Video visiting can be a positive enhancement to in-person visiting, and has the potential to promote positive outcomes for incarcerated individuals and their families and communities. In certain circumstances, video visiting may benefit corrections by reducing costs, improving safety and security, and allowing for more flexibility in designating visiting hours. The value of video visiting can be maximized when the goals of the facility are balanced with the needs of incarcerated individuals and their families.

The development of this guide was informed by current practice across the United States. Interviews were conducted with prison and jail administrators, IT personnel, technology companies, family members of incarcerated individuals, incarcerated individuals; community-based organizations that provide supportive video visiting programs, and advocates for the incarcerated and their families. A survey was administered to correctional administrators nationwide to learn about existing program models and implementation challenges and successes. A literature review was conducted to learn about the various uses of video conferencing in a correctional setting. Research on the use of video visiting in settings outside of corrections was also reviewed. And finally, articles published in the media about video visiting in corrections were reviewed from August 2012 through January 2014.

This guide is meant to assist correctional administrators, commissioners, sheriffs, and other key decision makers in the following activities:

- Determining whether video visiting is appropriate for a particular setting or jurisdiction;
- Preparing for and implementing video visiting; and
- Conducting a process evaluation and preparing for an outcome evaluation.

ACKNOWLEDGEMENTS

We are grateful to our group of advisors who provided valuable insight and suggestions to inform the development of this guide. The advisors represent diverse perspectives including those of prison and jail administrators; information technology; community-based organizations offering programs for families involved with or affected by the criminal justice system; clinicians serving children and families affected by incarceration; parole and probation agencies; legal advocates and public defenders; and family-focused reentry services providers.

Advisory Board Members:

- Ann Adalist-Estrin, National Resource Center on Children and Families of the Incarcerated at Rutgers University Camden;
- Barbara Blanchard-Lewis, Center for Children and Families, Columbia University School of Nursing;
- Chesa Boudin, San Francisco Public Defender's Office
- Diane Catalfu, New York State Department of Corrections and Community Supervision;
- Carol Fennelly, Hope House D.C.;
- Ken Findlay, Rhode Island Department of Corrections;
- Elizabeth Gaynes, The Osborne Association; Thomas Herzog, New York State Department of Corrections and Community Supervision;
- Catherine Jacobsen, New York State Department of Corrections and Community Supervision;
- Tanya Krupat, The Osborne Association; Mike Raczkowski, Montana Department of Corrections;
- J. Mark Reimer, Westchester County Department of Correction, New York; Devon Schrum, Washington State Department of Corrections
- Carol Shapiro, The Shapiro Justice Initiative;
- Kristina Toth, New Hampshire Department of Corrections; and
- Carl Wicklund, American Probation and Parole Association.

In addition to our Advisory Board, we sought and received invaluable information from a wide range of individuals who shared their experience and insight: Louis Cei and the Virginia Department of Corrections; Shari Davis and the Idaho Department of Correction; Sylvia Lane, Lt. Armstrong and the Los Angeles County Jail; Charles Lockwood and the Florida Department of Corrections; Kelley Morton, Brianna Elisara, and the Oregon Department of Corrections; Mike Thompson and the Butte County Sheriff's Office; A.T. Wall and the Rhode Island Department of Corrections; Bernard Warner and the Washington State Department of Corrections; Margaret diZerega; Tim Eickhoff; Anne Holt; Kerry Kazura; Ann Loper; Aramis Reynoso; and Dan Stewart. We appreciate the assistance of the Association of State Correctional Administrators and the American Correctional Association. We thank the District of Columbia Department of Corrections, New Hampshire Department of Corrections, and The Osborne Association, and Renovo for providing photographs. We also extend thanks to Virginia Lowery for her editing and Samuel Lucien (Luky) Guigui for assisting with research. This work would not have been possible without the active interest and support from the National Institute of Corrections, especially Maureen Buell, Correctional Program Specialist, and Acting Director Robert Brown.

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INTRODUCTION

Research confirms that incarcerated individuals, corrections, families, and communities all benefit when incarcerated individuals can communicate with and receive visits from family and supportive community members. Video visiting is an additional form of communication that can build and strengthen social support systems of the incarcerated. This relatively new form of communication builds upon the success of video conferencing used for court appearances, and attorney-client communication. It's also being used to bring professionals together with those incarcerated to address pressing legal and medical issues. Video visiting and conferencing may also offer added benefits in planning for reentry, supplementing healthcare delivery, and facilitating cross-systems collaborations.

Video visiting is rapidly expanding in correctional facilities across the nation. However, there is a scarcity of research about how effectively video visiting achieves, or builds upon, the benefits known to be associated with in-person visiting. Video visiting approaches are varied, using different technologies, partnerships, and models. Generally speaking, visitors usually video visit from a community-based visiting center, their home, or at the correctional facility itself.

In determining whether to use video visiting, and what model to select for a particular setting, it is best to be informed about the benefits and challenges, and to balance the needs of corrections, incarcerated individuals, families, and communities. The technology industry highlights the benefits, but video visiting has its limitations and it may be inaccessible for some families. Video visiting is in its infancy, and there is limited research about how effectively video visiting alone or in combination with in-person visiting leads to the positive outcomes known to be associated with in-person visiting. A hybrid visiting approach that offers both video and in-person visiting offers the most flexibility and ensures that the benefits of in-person visiting are preserved and possibly enhanced.

Chapter One provides a brief overview of the benefits known to be associated with in-person visiting and discusses the benefits and limitations of video visiting. Chapter Two focuses on how to assess whether video visiting is an appropriate fit for a particular setting and discusses issues that should be considered upon implementation. Chapter Three provides tools for conducting a process evaluation and preparing for an outcome evaluation. An implementation toolkit and sample evaluation tools are included in the appendices. The appendices also include information about other uses for video conferencing in a correctional setting, video visiting with children, and a listing of relevant resources.

CHAPTER 1: WHY CONSIDER VIDEO VISITING

Traditional In-Person Visiting Benefits Corrections, Families, and Communities

It is helpful to consider what we know about traditional visiting to assess the value of video visiting. Studies confirm that incarcerated individuals have better outcomes when they receive in-person visits from family members and supportive community members. Specifically, traditional in-person visiting has been found to benefit both corrections and incarcerated individuals by:

- Improving institutional adjustment and psychological well-being among the incarcerated
- Reducing behavioral infractions and violent behavior among the incarcerated
- Increasing incarcerated individuals' motivation to participate in programming
- Increasing motivation to gain release from the facility
- Lowering recidivism and increasing public safety

Traditional visiting has been found to benefit incarcerated individuals, their families and communities by:

- Providing incentive to maintain visiting privileges
- Increasing the probability of discretionary parole
- Facilitating planning and support for community reentry
- Increasing the chance of obtaining gainful employment post-release
- Reducing the likelihood of using illegal substances post-release
- Maintaining and strengthening the parent-child relationship
- Reducing the trauma that children experience when they are separated from a parent

Traditional visiting is linked to lower behavior incidents in Ohio Prisons

A recent study on traditional visiting's effect on incarcerated individuals' behavior in two Ohio prisons (male and female facilities) found that those receiving traditional visits, especially from a parental figure, had fewer behavior infractions compared to those who did not receive visits. This study found that even one visit reduced infractions.[1]

Video Visiting in Corrections

Video visiting was first used in a correctional setting in the 1990's. And with technological advances resulting in more user-friendly and affordable equipment, it is expanding at a rapid pace. A review of video visiting practices in prisons and jails across the country revealed tremendous variation in the purpose, model, funding, prerequisites to participation, and technology.[2]

In August 2012, *The New York Times* estimated that correctional facilities in at least 20 states had video visiting capability or were planning to implement some form of video visiting.[3] Research conducted for this publication one year later reveals that jails in at least 28 states and Washington, D.C., offer video visiting and no fewer than 15 state corrections departments are considering or offering video visiting in select prisons.[4]Jails are rapidly adopting video visiting, whereas prison systems are slower to do so, partly because of the challenges of implementing video visiting in statewide systems. The rapid digitization of society and the proliferation of video visiting over the past few years suggest that video visiting will likely be the norm in the near future.

Video visiting is in its infancy, and there is still little empirical evidence about how effectively video visiting alone or in combination with in-person visiting leads to or builds on the positive outcomes linked to in-person visiting. Video visiting has benefits and limitations. Video visiting provides another way for families to communicate when distance, cost and other factors limit or prevent in-person visiting. Where it increases the frequency and consistency of communication, it has the potential to build on the benefits of traditional in-person visiting. To the degree that it reduces in-person visiting, it also has the potential to reduce staffing costs and increase safety and security at facilities. On the other hand, some find that video visiting cannot replicate seeing someone in person or is difficult to use.

Traditional, in-person visiting is a best practice that should continue in all correctional settings when possible.[5] Until more is known, implementing a hybrid model of in-person and video visiting is encouraged. In doing so, the benefits of traditional visiting are preserved and potentially strengthened with video visiting.

Benefit: Connecting Families and Building Social Support Systems

Connecting family members and supportive friends

Video visiting has the potential to bridge the gap for families with loved ones incarcerated out of state or in remote facilities and to foster an incarcerated individual's social connectedness. The Michigan Department of Corrections temporarily offered one of the earliest video visiting programs to incarcerated individuals housed outside of Michigan. Since then, other states such as Wisconsin and Alaska offer video visits to individuals incarcerated out of state, and at least 13 states use video visiting to connect families with individuals incarcerated in prisons within the state. Video visiting in jails may also bridge the gap for families residing in large counties or in counties that lack public transportation.

Video visiting can also keep families connected when travel conditions are poor. For example, the State of Oregon's Department of Corrections experienced a voluntary decline of in-person visits at one prison during the winter months, suggesting that home-based video visiting is attractive when travel conditions are poor (see chart 1A).[6]

	Winter 2011	Winter 2012	Winter 2013
SRCI			
Video Visits (VIP calls)	0	1997	3188
Physical Visitations	6978	5597	4637
Combined (Overall Visits)	6978	7594	7825
Statewide			
Video Visits (VIP calls)	0	1977	15408
Physical Visitations	77202	74744	70498
Combined (Overall Visits)	77202	76721	85906

"Oregon DOC visiting during winter months in 2011, 2012, and 2013"[7]

Families may video visit more often than they visited before video was available. This is especially true when video visiting is convenient, affordable, and/or offered at a family friendly community-based site. For example, the year after the District of Columbia Department of Corrections (D.C. Jail) started video visiting they recorded approximately 20,000 more video visits as compared to the number of in-person visits that occurred the year prior to video visiting implementation.[8] D.C. jail administrators theorize that friends and family video visited more often than they visited in-person because the community-based video visiting center is family friendly and does not entail long waits and security checks.

Given the critical importance of in-person visits, a decrease of in-person visits, especially between incarcerated parents and their children, may not be a desirable trend. Infusing family- and child-friendly visiting practices at facilities is a response that may ensure that in-person visiting continues.

FIGURE 1-COMMUNITY BASED VIDEO VISITING CENTER AT DEANWOOD COMMUNITY CENTER

Video visiting supports relationships

Preliminary evidence suggests that video visiting helps adult family members maintain a relationship with an incarcerated individual family member. Of the 40 families surveyed who participated in video visiting at the community-based Family Services of Western Pennsylvania's Families Outside Program, all reported that video visiting helped them maintain or nurture their relationships with incarcerated family members.[9]

Supporting the parent-child relationship

Approximately 2.7 million children in America have a parent(s) in jail or prison on any given day.[10] For most children, visiting and communication mitigates the risks associated with having an incarcerated parent and reduces the trauma of separation, thereby improving their chances for a bright and healthy future.[11] Video visiting is an additional communication tool that facilitates the critical connection between children and their incarcerated parents. However, some children, especially very young or developmentally delayed children, may not understand the technology and may find the inability to touch their parents to be traumatic or frightening.

"My son gets to see me and see that I'm o.k. It gives him peace of mind." —Mother at Albion Correctional Facility, New York State[12]

Facilitating parent-child communication also benefits incarcerated parents. Being separated from a child is a source of distress that impedes institutional adjustment for some incarcerated mothers, possibly leading to increased behavior infractions.[13] Research indicates that incarcerated parents need support and consistent contact with their children to alleviate this distress.[14] Incarcerated parents who have some form of contact with their children were found to have lower rates of depression, anxiety, and stress.[15]

As early as 2000, the Florida Department of Corrections offered video visiting in two women's prisons in response to the limited number of visits women were receiving from their children due to distance.[17] Participating incarcerated mothers indicated that their self-esteem and relationships with their children improved, and that video visiting enabled contact that was previously not possible because of distance.

Video visiting programs designed for incarcerated parents and their children may be offered in conjunction with a parenting class. These video visiting programs may involve a community-based partner that hosts a video visiting center for children and provides supportive services to children, caregivers, and the incarcerated parent. (See appendix 1B for more information about video visiting programs for children of incarcerated parents.)

"[It's] the best thing that has ever happened to me and my family while being incarcerated. It gives me a great view on what they are going through in the house at home."—*Father participating in the video visiting program at the New Hampshire Department of Corrections*[18]

Video visiting helps children maintain relationships with their parents

According to a Sentencing Project report on video visiting, research suggests that children of divorce and military families using video conferencing to communicate with their absent parent experienced reduced stress from being separated from a parent. This report also found that video visiting has the greatest benefits for children of incarcerated parents when:

- "It is used as an adjunct to rather than a replacement for other modes of communication, particularly contact visits;
- children can visit from their homes or nearby sites;
- facility policies allow for frequent visits; and
- fees are not cost prohibitive.[16]

Child welfare involved families

In 2009, an estimated 14,000 children entered foster care, in part related to parental incarceration.[21] Even more children in foster care experienced the incarceration of a parent after entering foster care.[22] Child welfare policy and social services law generally establish that children and parents have the right to visit. However, in most correctional systems, visiting is considered a privilege not a right.[23] This inconsistency between the rights of children and those accorded to incarcerated individuals may be detrimental for children who need parental contact and for incarcerated parents who risk losing their parental rights.

Video visiting expands communication options for child welfare-involved families and promotes parent-child connections that potentially lead to the following outcomes:

- Increased visiting opportunities, which may prevent termination of an incarcerated parent's parental rights.
- Opportunity for a child welfare agency to observe parenting skills, and to engage the parent in planning for the child and assess the progress towards the permanency plan.
- Facilitation of reconciliation and reunification upon release, reducing costs associated with parental rights termination proceedings and lengthy stays in foster care.
- Reduction of costs to public agencies that provide health, mental health, special education and juvenile justice services to children and families.
- Promotion of cross-systems collaboration between agencies (corrections and child welfare).

Courts are less likely to terminate parental rights when parents maintain consistent contact with their children

The federal 1997 Adoptions and Safe Family Act (ASFA), designed to reduce the length of time children spend in foster care, requires that termination of parental rights proceedings begin when children are in foster care for 15 out of the past 22 months, with some exceptions. [19]

This timeframe is particularly challenging for incarcerated parents whose average sentence length is 80 to 100 months.[20] A positive and consistent bond must be demonstrated by the parent to retain their parental rights, but distance makes it challenging for families and caseworkers to regularly take children to the facility. Video visiting is another way for incarcerated parents to maintain a bond with their children. Virtual conferencing can also increase opportunities for parents to participate in meetings about their children and virtually "parent from the inside."

Visiting alternative for no contact populations

Video visiting may be a viable alternative for incarcerated individuals who are not allowed in-person visits due to policy or medical status. Nebraska, Indiana, and Wisconsin use video visiting for individuals who are not permitted contact for reasons such as segregated housing.[25] The Federal Bureau of Prisons uses closed-circuit video visiting for incarcerated individuals in segregated housing and is planning to expand video visiting to connect individuals in general population with their families.[26]

Video visits facilitate court ordered visits

"All visits have been successful . . . one visit working with the caseworker bringing the children who were court ordered for monthly visits, and one family getting visits ordered through divorce court. Such court ordered visits may have taken much longer to happen or may not have happened at all without the [video visiting] program."—Video visiting coordinator, Florida Department of Corrections[24]

Benefit: Video Visiting Can Help Corrections Meet Objectives

Visiting policies in state prisons became more restrictive between 1991 and 2005, in part due to fiscal, staffing and security constraints.[27] Similarly, many jails have also experienced budget cuts that may make it challenging to enhance or even maintain in-person visiting hours. Video visiting can help alleviate these challenges by potentially reducing labor costs and increasing security while maintaining or even expanding visiting opportunities.

Early video visiting programs were often pilots implemented with the goal of connecting incarcerated individuals with family members. Now video visiting is being used to achieve additional correctional objectives, including the following:

- Reducing costs
- Improving safety and security
- Flexibility in scheduling visiting hours and expanding visiting opportunities
- Supporting the mental health and institutional adjustment of the incarcerated
- Facilitating reentry planning
- Reducing recidivism and increasing public safety

"Video visitation is the wave of the future for correctional facility communication. . . . The new system presents tremendous advantages in time and cost savings, as well as contributing to increased safety and security for Clare County, Michigan our facility."—Sheriff John Wilson, Clare County, Michigan [28]

Reducing costs

In many cases, video visiting is less labor intensive than traditional visiting, allowing for correctional staff to be reassigned to other duties. If system efficiencies lead to staff reductions or attrition, then legacy costs may also be reduced (benefits and pensions). However, employees and labor unions may oppose actions that may lead to staff reductions. There are costs associated with video visiting, and it is important to recognize that the amount of savings that may be realized can vary considerably.

> "Through use of this system, the Department of Correction has operated a safer and more efficient facility. In 2011, DOC had 3,500 fewer visitors to the facility. With each averted visit, our staff members are able to devote their time and attention to other work-related tasks." —Commissioner of Correction Kevin Cheverko, Westchester County Jail, New York[29]

Depending on the video visiting model used, the labor hours dedicated to visiting may be reduced in the following ways:

- Reduces movement
- Fewer staff needed to monitor in-person visits[30]
- Reduces or eliminates contraband searches
- Reduces on-site visitor processing and visitor searches
- Some systems automate visitor background checks and scheduling

It is unclear how video visiting will affect the frequency of in-person visiting at facilities that use video visiting as a supplement to in-person visiting. Early reports suggest that these facilities are experiencing a voluntary decline of in-person visits (see chart 1B).[31] As a result, labor previously dedicated to in-person visiting can be dedicated to other critical functions. On the other hand, some correctional administrators predict that in-person visiting will increase because video visiting will improve communication with family and friends and facilitate reconnections.

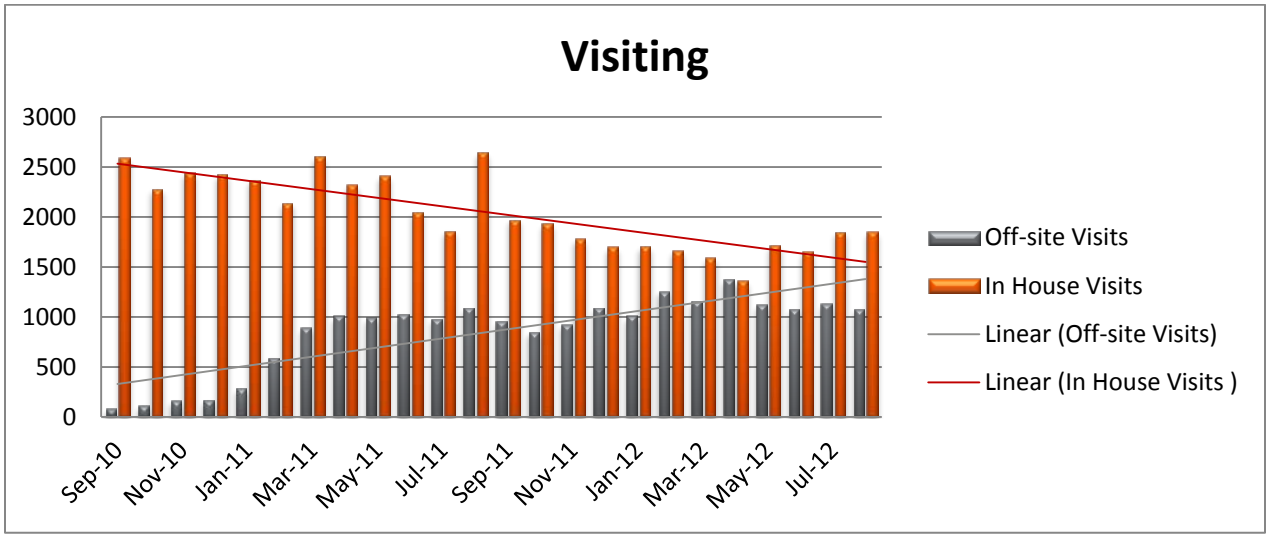

Chart 1B: Trends in Web-Based and In-House Visiting, Washoe County Detention Center, September 2010–August 2012[32]

Improving safety and security

Video visiting is often used to enhance safety and security, especially at jails. A reduction in contact visits (the result of a voluntary decrease of in-person visits mentioned above) may reduce the flow of contraband in traditional visiting rooms. Reduced traffic and congestion in waiting and visiting areas potentially improves the safety of visitors, staff, and incarcerated individuals. Safety and security may also improve when movement is reduced. Staff are potentially freed to dedicate more time to duties that manage safety and security at a facility when in-person visiting declines.

These security benefits should be weighed against the possibility that reducing or eliminating in-person visiting may remove the incentive for incarcerated individuals to exhibit good behavior, thereby increasing security concerns rather than reducing them.[35] At this early stage of video visiting, it is unclear how morale, well-being, and rehabilitation among those incarcerated will be affected when in-person visiting is reduced or eliminated, particularly in prisons where individuals are likely to be housed for long periods of time.

> "Web visits increase the safety of our inmates and our staff. Safety is our highest priority, and every time we move inmates through the jail for visits, a potential safety concern exists. Web-based visits reduce those concerns and greatly reduce opportunities for introducing contraband into the jail."—Debi Campbell, Detention Operations Manager, Washoe County Sheriff's Office, Reno, Nevada[34]

Lubbock County Jail Reduces Costs with Video Visiting

"In July 2010 Lubbock County completed a new 400,000 square foot detention center. . . . A key functional concept for this new detention facility was the use of video visitation . . . to minimize or eliminate inmate movements. Standard face-to-face visitation cost in the jail design was projected to be over $5.5 [million] and have heavy ongoing operational costs. Video visitation costs were estimated at less than half of that with less operational costs and greater flexibility.

When Lubbock County issued an RFP, the responses were for older analog systems with a tremendous initial cost. Lubbock County chose to perform the video visitation engineering and implementation in-house.

There are currently 100 public visitation booths, 140 booths in the cell pods, 6 secure attorney booths at the jail, 10 secure attorney booths at the Courthouse, and a portable booth. There have been over 100,000 video visits made from August 2010 through April 2011."[33]

Early reports from the field indicate that inappropriate behavior is not a common problem that arises during video visits. For example, Oregon DOC has only had 40 major misconduct reports out of 26,596 video visits, a .15% incidence rate.[36] Software is available to monitor video visits for inappropriate behavior and language and will terminate visits as needed.

Flexibility in scheduling visiting hours and expanding visiting opportunities

Correctional agencies across the nation state that a major benefit of video visiting is that it allows for more flexibility in designating visiting hours and allows facilities to offer additional visiting hours via video. Video visiting may also expand the number of visits an incarcerated individual has in one day. For example, Boulder County jail offers home-based video visiting during evenings and weekends as a supplement to their in-person visiting hours.[38] At some jails, if an incarcerated individual has met his or her weekly in-person visiting limit, then visitors can access an additional video visit instead of waiting until the following week.

Video visits may prevent a reduction in visiting opportunities

"When the idea first came, we were in a place that a lot of jails are familiar with," said Sheriff Raney [Ada County Jail, Portland Oregon] during a presentation on the new system at the 2010 American Jail Association conference in Portland, Oregon. "Our inmate visitations were very labor intensive and we were forced down to offering visits only three times per week." Ada County now offers video visits seven days a week.[37]

Supporting the mental health and institutional adjustment of the incarcerated

Video visiting has the potential to build on the benefits of traditional visiting, which has been shown to have a positive impact on an incarcerated individual's psychological well-being, behavior, and overall institutional adjustment. Specifically, incarcerated individuals receiving traditional visits have been found to exhibit less violent behavior, fewer rule infractions, and an increased motivation to participate in treatment during incarceration.[39] [40] [41]

Reports indicate video visiting can improve institutional adjustment

"[Inmates] are very happy with it, and we've seen a boost in their morale because of [video visitation]."—Marty Brazell, Warden of Jefferson County Jail, Arkansas[42]

"My boys mean everything to me and to maintain a positive influence in their lives through video visits has helped me deal with the emotional roller coaster of prison life."—incarcerated father[43]

Pennsylvania DOC's original video visiting goal was to "improve and enhance any mechanism that helps to foster family relationships." One year after implementation, the program was also viewed as an effective behavior management tool for participating parents (Crabbe 2002).[44]

Reentry planning

Individuals returning home from jail and prison face challenges in reconnecting to their families and loved ones, finding and maintaining employment, maintaining sobriety, locating steady and safe housing, accessing healthcare, and adhering to conditions of probation or parole. People going home from prison rely primarily on their families for money, employment, and housing.[46] Family involvement increases the probability of being paroled and successfully reintegrating into the community.[47] For this reason, it is valuable to explore the use of video visiting to connect incarcerated individuals with supportive family and friends, and with community-based organizations, community supervision agencies (probation and parole), child welfare and other city and state agencies, and faith-based and other supportive services.

Some agencies are using video conferencing technology to support reentry. For example, The Osborne Association partnered with the New York City Department of Correction in 2013 to offer video visiting to incarcerated individuals identified as being at high risk for recidivating, with the goal of strengthening family connections to improve reentry outcomes. Incarcerated individuals can also video conference with community-based support specialists and providers to plan for reentry. While this increases operational efficiency for reentry specialists and providers, at this stage it is unclear how incarcerated individuals respond to this form of communication. It is also unclear how video conferencing in a correctional setting affects an individual's ability to build rapport or develop a relationship.

Video conferencing can bring the reentry team together "virtually" when travel to the facility is not possible or places an undue burden on team member.

Video visiting and conferencing facilitates reentry in the following ways:

- Maintains and builds social support network
- Allows for visits with clergy and other supportive community members
- Facilitates connections in community for those who have no support system
- Enables reentry team meetings
- Allows for job, housing, and program interviews
- Provides opportunities to participate in Medicaid and Social Security Administration hearings
- Allows for family involvement in reentry planning
- Facilitates linkages with community-based providers prior to release

Video visiting can help long-termers remain connected

Facilitating social connections for incarcerated **individuals** with long-term or life sentences potentially improves their emotional and behavioral stability. Pennsylvania Prison Society, a community-based partner that once offered video visiting at prisons in Pennsylvania, recognizes video visiting's potential with this population:

"Pennsylvania has the largest population of life-sentenced prisoners in the country. Though [video visiting] was not targeted for this population. . . [it] can provide stabilizing assistance in terms of helping people serving time."—William DiMascio, [Former] Executive Director of the Pennsylvania Prison Society[45]

Video conferencing also facilitates a continuum of care by connecting individuals to supportive community services before they return to the community. For example, individuals struggling with substance abuse can video visit with sponsors and interview for substance abuse treatment programs, allowing for rapid referrals to treatment and thereby reducing their risk of relapse upon returning to the community. Video visiting can also link incarcerated individuals with community-based medical providers to establish relationships and develop treatment plans, ensuring a continuum of care. Project START, which connects HIV+ individuals with medical services in the community, is based on research showing that incarcerated individuals working with the same medical case manager on the inside and in the community are more likely to engage in treatment upon release.[49]

Video conferencing facilitates reentry planning

"Westchester Drug Courts had a zero budget to perform housing interviews. With video visitation, the Drug Courts can interview inmates for placement into community-supervised housing. It is important that the community housing can address the issues brought with the offender to the home."—Captain J. Mark Reimer, Westchester County Jail, New York [50]

Reducing recidivism and increasing public safety

Given the public safety benefits of reducing recidivism and promoting successful reentry, correctional agencies can play a role in improving public safety by expanding visiting opportunities. Social support has been *shown to reduce the stress associated* with reintegration, thereby reducing recidivism rates. For example, a survey of previously incarcerated men in Maryland concluded that individuals with strong family support during incarceration were more likely to gain employment and less likely to use drugs after release.[51]

Key finding from Minnesota Prisons: Visiting reduces recidivism rates

A recent study tracking over 16,000 individuals released from Minnesota prisons found that those receiving even one visit were 13 percent less likely to receive another felony conviction and 25 percent less likely to be incarcerated for violating parole. Receiving visits throughout one's incarceration, not just in the months prior to release, is associated with positive outcomes.

The study found that "prison visiting can improve recidivism outcomes by helping offenders not only maintain social ties with both nuclear and extended family members (especially fathers, siblings, and in-laws) while incarcerated, but also by developing new bonds such as those with clergy or mentors."[48] Visits from siblings, in-laws, fathers and clergy were the most beneficial in lowering recidivism. Video visiting provides for additional opportunities to connect these supportive community members with incarcerated individuals.

Benefit: Video Visiting Can Help Families Overcome Visiting Barriers

The costs associated with travel, lost earnings, and overpriced on-site food from vending machines are financially burdensome for low-income families, making it challenging to visit frequently, if at all.[52] Distance is a major barrier for families. Given the benefits of in-person visiting, correctional systems would benefit from considering proximity to families in their custody and program placement decisions. Video visiting located in or near families' residences can supplement or make contact possible when proximal placement is not feasible due to security levels, programming requirements, location of facilities, and other correctional policies.

Video visiting has the potential to overcome common visiting barriers for families such as:

- Distance and travel costs
- Lost earnings and missed school
- Facility is not accessible by public transportation
- Narrowly defined visiting policy (e.g. immediate family only, no children)
- Limited availability of visiting hours
- Long wait to enter visiting room
- Friends and families with conviction records are not eligible to visit at the facility
- Visiting process is not child-friendly
- Visiting hours are cancelled due to security issues at the facility
- Families are turned away (e.g., too many in party, improperly dressed, overcrowding, etc.)

Video visiting overcomes some visiting barriers

"In the previous building, people coming in for a visitation had to be approved through a background check. Now we don't deny as many applications to visit inmates because they just come into the public lobby area [so background checks are no longer required]."—Sgt. Jana Abens, Polk County Sheriff.[53]

Video visiting can accommodate families who cannot visit at the facility during traditional visiting hours. It eliminates the difficult decision caregivers of school-age children are often forced to make—choosing between their children visiting their incarcerated parent at the facility or attending school when only weekday/daytime visiting hours are offered. Allowing for visits (video and in-person visits) to be scheduled in advance decreases the likelihood that visitors will be turned away from visiting centers due to overcrowding.

Additional benefits for families may include the following:

- Connects incarcerated youth and their incarcerated parents confined at separate facilities
- Allows for visits from elderly or disabled family members who cannot travel
- Increases frequency of contact between traditional visits
- May be less traumatizing for children as compared to non-contact visits through glass
- Empowering for children to schedule and initiate visits with their parents

Limitations and Other Considerations

It is important to be informed about the limitations and challenges that corrections agencies and the incarcerated and their families may encounter when using this form of communication. Some video visiting models present more challenges than others depending on the correctional setting, the geography of the jurisdiction, and the unique circumstances of each visitor. Due to the limitations and challenges that video visiting may present, families may choose not to video visit.

Video visiting is not for all families

For some families, video visiting may be present the following challenges:

- Families may not be able to travel to a video visiting site in their communities or at a facility.
- Families may lack the resources to own a computer and/or to have an Internet connection.
- Families are dissatisfied with systems that have technical problems, poor video and audio quality, and poor camera angles.
- The technology may be confusing for the incarcerated and visitors, especially those with developmental delays and individuals that lack computer skills.
- Video visiting may be confusing for very young children.
- Video visiting is difficult for individuals with visual and/or hearing impairments.
- Illiteracy may be a barrier to setting up a video visiting account.
- Families dislike facility-based video visiting because once they have expended the time and expense to travel to the facility, they would rather see their loved one in-person
- Fees charged for video visiting may be unaffordable.
- The video visiting company's website may not provide scheduling instructions and/or customer service in multiple languages.

Visitor speaks out against video visiting fees

"I want to be there to give him that support but with this new [video visiting] system it makes it really hard to support your loved one. Whether it's money-wise, communication-wise. Because they nickel and dime you on everything, every little aspect. And it's supposed to make things simpler, but it doesn't."—Jennifer, mentor for an incarcerated friend[54]

Visitors and advocates for families and the incarcerated argue that charging for visits is an unjust practice that may reduce the frequency of visits received by incarcerated individuals. Video visiting fees and convenience and services charges may be unaffordable for some families. Moreover, families may not have a credit card to set up an account and pay for visits. Conversely, some visitors prefer to pay for convenient home-based video visits rather than travel to the facility for a free video visit or an in-person visit.

Families express dissatisfaction when in-person visits are discontinued

More and more jails are replacing in-person visiting with video visits, alarming families and the agencies that serve them. Administrators discontinuing in-person visiting will more than likely experience pushback from community and faith-based organizations, families, incarcerated individuals, legislators, and legal advocates who argue it is unjust to eliminate in-person visiting. For example, some American Civil Liberties Union chapters are exploring how best to build cases against facilities that replace in-person visiting with video visiting. Legislators are also getting involved. Washington, D.C., Council Member Muriel Bowser (supported by The American Bar Association) introduced a bill in 2013 requiring the D.C. Department of Corrections to reinstate face-to-face visits at D.C. Central Detention Facility.[58]

Families say they need in-person visits with their incarcerated loved ones

"Being in the same room is something you can't replace." [56]

"We want to see him for real. We want to touch our hands through the window. It makes him feel better. Even just to kiss the window, it makes us feel better." [57]

In determining whether video visiting should supplement or replace in-person visiting, stakeholders should consider the proven benefits of traditional visiting, the limitations of video visiting, the needs of each facility, the goals of the correctional administration, and the laws, regulations, and political realities of the region. Visiting cannot replicate seeing someone in-person, and it is critical for a young child to visit his or her incarcerated parent in person to establish a secure attachment.[59]Administrators needing to balance the differing opinions of multiple stakeholders may find a hybrid visiting (in-person and video) approach a viable solution.

Undersheriff responds to a petition calling for the reinstatement of traditional visiting

"I've read the petition and understand there's some concern about the system and [that] the quality of visitation will be diminished," Honea said. "That's something we looked at very closely when we decided to invest in this technology.

Clearly, inmates being able to visit with friends and family is important. That issue is not lost on me, but we have to continually weigh our various options and approaches. The benefit we'll gain from this was ultimately worth it."—Undersheriff Kory Honea, Butte County Jail, California [55]

Home-based video visiting has benefits and limitations

Home-based video visiting is becoming more common, and some correctional agencies are planning to phase in home-based video visiting to augment facility-based video visiting. This model is especially conducive to increasing visiting opportunities because it may not require as much staffing at a facility or community-based visiting center. At Washoe County jail in Nevada, home-based video visitors are more likely to be repeat visitors as compared to in-person visitors, suggesting that for some family members, video visiting is convenient and can overcome visiting barriers.[60] However, charging a fee for home-based video visiting is the norm. Families may not have access to a computer or mobile device with an internet connection, so visits could also be offered at a community-based site or at the facility to ensure access for all.

Video visiting benefits the technology industry

The rapid expansion of video visiting is partly driven by the technology industry whose presence at correctional conferences is overwhelming. In fact, a 2012 Sentencing Project Report refers to the technology industry as "the newest player in the prison-industrial complex."[61] Technology companies are quick to emphasize potential revenue streams, but some correctional administrators and technology companies caution that revenue generated by fees is nominal compared to a department's overall budget. They claim that the real cost benefit of this technology is derived from the reallocation of labor resources.

Technology companies stand to profit from equipment and software sales, ongoing IT support, and revenue sharing contracts from video visiting fees. In fact, some video visiting contracts require that the agency discontinue in-person visiting.[64] Technology companies ultimately gain from this stipulation as visitors then must use and potentially pay for some or all video visits. Correctional administrators should be fully informed and advised before entering contracts and consider how stipulations ultimately affect correctional objectives and families.

External stakeholders question if video visiting fees are fair

". . . [W]e see clear evidence that the video communications market is currently driven by the same perverse incentives that caused market failure in the correctional telephone industry."—Prison Policy Initiative[62]

"The outcry of a gouging of prisoners is what caused [telephone calls] to be regulated. They shouldn't see visitation and communication with people's families as a potential moneymaking operation."—Claire G. Gastañaga, executive director of the ACLU of Virginia.[63]

Potential drawbacks for corrections

Video visiting may not be an appropriate fit for every correctional setting. Challenges that may arise include the following:

- Start up and maintenance costs
- High financial risk for corrections' owned and managed systems
- New technology is still evolving and rapidly changing
- A culture change may be required to obtain buy-in from correctional personnel
- Pushback from families, the incarcerated, and the agencies that serve them when video visiting replaces in-person visits
- Unions and employees may dispute potential staff reductions
- It may reduce the income generated from phone calls

Additional Uses of Video Conferencing in Corrections

Leveraging technology for multiple purposes increases operational efficiency and return on investment so it is helpful to consider the multiple ways video conferencing can be used in a correctional setting. It is also helpful to glean lessons about the benefits and challenges of using video conferencing to meet correctional goals outside of visiting. While some research finds that video conferencing is as effective as in-person communication, other studies find that video conferencing is less effective than in-person communication. For example, research comparing the use of video conferencing for legal matters, such as bail and immigration hearings, as compared to in-person appearances suggests that credibility is questioned more often when an incarcerated individual appears via video conference. (For more information see Appendix 1A: Additional Uses for Video Conferencing in Corrections).

Departments across the nation are using video conferencing to increase operational efficiencies and strengthen programming in the following areas:

- Legal and Parole Board hearings
- Medical
- Mental health
- Education: video based instruction or tutoring for incarcerated individuals
- Interagency communication, oversight, and staff development

Concluding Summary: Benefits and Limitations

Table 1A: Potential Benefits for Corrections
▪ Increases social connections for incarcerated individuals, potentially improving institutional adjustment and reducing recidivism ▪ Visiting alternative for no contact populations ▪ Potentially leads to a voluntary decrease in in-person visiting at the facility ▪ May generate cost savings by reducing labor costs associated with in-person visits ▪ May decreases movement and visitor processing and scheduling ▪ May improve security by reducing movement and the flow of contraband ▪ Potentially reduces traffic and congestion in waiting and visiting areas ▪ More flexibility in scheduling video visiting hours ▪ May improve institutional adjustment of the incarcerated by supporting social connectedness ▪ May facilitate reentry planning with social support network ▪ Innovative practice ▪ Cross-systems collaboration (child welfare, family court, probation, etc.) ▪ Allows for beneficial relationships with sustainable community-based partners

Table 1B: Potential Benefits for Incarcerated Individuals and Families
▪ Removes some visiting barriers for families (e.g. distance, travel costs, etc.) ▪ Increases frequency of communication with family and community members ▪ Strengthens social support network ▪ May be less traumatizing for children as compared to no-contact visits ▪ Empowering for children to schedule and initiate visits with their parents ▪ Expands communication options for child welfare-involved families ▪ Increased visiting opportunities may prevent termination of parental rights ▪ Comply with court-ordered visiting ▪ Allows for family members with conviction records to virtually visit ▪ Potentially allows children to visit when a facility has a “no children” visiting policy ▪ Family involvement in reentry planning promotes positive outcomes ▪ Builds connections in community for those who have no support system ▪ Facilitates linkages with community-based providers prior to release

Table 1C: Video Visiting Challenges and Limitations
Financial and Logistical Challenges for Corrections ▪ Start-up and maintenance costs ▪ New technology is still evolving and may become outdated ▪ Culture change may be required to obtain buy-in from correctional personnel ▪ Pushback from families, the incarcerated, and the agencies that support them when video visiting replaces in-person visits ▪ May reduce income generated from phone calls ▪ Unions and employees may dispute associated staff reductions or reassignments
Financial and Logistical Challenges for Families ▪ Users are dissatisfied with technological glitches and poor visual and audio quality ▪ Families may lack the resources to own a computer and/or access the Internet ▪ Families may not be able to travel to a video visiting site in their communities or at a facility ▪ Video visit fees and service charges may be a barrier ▪ Fee-based video visits may not be accessible to those who do not have a credit card ▪ Technology may be confusing for visitors: especially young children, those with developmental delays, or individuals lacking computer or literacy skills ▪ Illiteracy may be a barrier to setting up a video visiting account ▪ Scheduling instructions and customer service may not be available in multiple languages ▪ Video visiting may not be appropriate for individuals with visual and/or hearing impairments
Barriers to Meaningful Visiting ▪ Video visiting cannot replicate in-person visiting ▪ It is unknown how effectively relationships are established and maintained as compared to in-person visiting ▪ Young children need contact visiting with their incarcerated parent to establish a secure attachment ▪ Families and the incarcerated are dissatisfied when in-person visits are discontinued ▪ Families dislike facility-based video visiting because they rather see their loved one in person when they spend time and money to travel to the facility ▪ Families may not video visit, preferring to visit in-person

CHAPTER 2: IMPLEMENTATION CONSIDERATIONS

This chapter, along with the accompanying toolkit in the appendix is designed to assist with the implementation of video visiting in a correctional setting. Informed implementation will leverage operational efficiencies within an agency and provide a solid return on the investment. Thoughtful implementation will also benefit incarcerated individuals and their families. Video visiting can be a positive enhancement to in-person visiting when implemented in a way that balances the goals of the facility and the needs of incarcerated individuals and their families.

Video Visiting Models

The variety and evolving nature of video visiting technology make it challenging to define the numerous approaches to video visiting. Regardless of the technology selected, there are basically three models that have emerged in terms of the locations where visitors may access video visits.

Table 2.1: Video visiting models

Community-Based	Corrections partners with a community, faith-based, or public agency (child welfare, parole, public library, etc.) which hosts video visits in the communities where visitors reside.
Home-Based	Visitors video visit from a home-based computer or mobile device.
Facility-Based	Visitors travel to a correctional facility to video visit.

Partnering with a community-based agency may make it easier for families to access the technology. Choosing a community-based agency that provides supportive services for the incarcerated, the formerly incarcerated, and their families ensures that video visits will occur in a supportive environment close to home. A home-based model is convenient for families, but families may not have the required technology or may not be able to afford the fees that are charged for home-based visiting. The facility-based model has not been well received by family and friends because it does little to make visiting any easier—the time and expense of travel is the same as it is for an in-person visit, with none of the benefits of an in-person visit.

Video visiting technology is still evolving, so it is best to examine current practices to learn whether new models, trends, or lessons learned have emerged since this publication.

A Hybrid Approach to Visiting

Some facilities use a hybrid model, which combines in-person visiting with one or more of the video visiting models to meet the varying needs of corrections and families. For example, family and friends can enjoy the convenience of video visiting from home while still having the option of going to the facility for an in-person visit. Given what is known about the value of in-person visiting, a hybrid visiting approach is ideal because it ensures that the benefits of in-person visiting are preserved. It also ensures that a family's ability to visit is not limited by the barriers that video visiting may present.

Contact visiting is best practice

American Correctional Association, Standard 4-4499-1:

"Written policy, procedure, and practice provide that inmate visiting facilities permit informal communication, including opportunity for physical contact. Devices that preclude physical contact are not used except in instances of substantiated security risk."[65]

Listed below are some considerations for determining the best model for video visiting in a particular system or jurisdiction:

- What impact do the proposed video visiting models have on incarcerated individuals and their rehabilitation, and their families and networks of support (positive and negative)?
- How does the location of the facility or facilities affect visitors' ability to visit in-person?
- Can visitors access video visits?
- What model meets the needs and goals of the administration or agency?

- What are the perspectives and priorities of the correctional administrators and staff at each facility?
- Can the existing infrastructure (number of buildings, space, layout, etc.) accommodate the model? If not, what changes are needed?
- Do you have the IT capacity to manage the proposed model(s)?
- What are the external stakeholders' attitudes towards the proposed model(s)?
- Are there legal regulations and statutes on visiting in your city or state?

- How would video visiting impact current visiting policies in terms of frequency, type of visits (contact/no contact), visitor eligibility requirements, etc.?
- How should the security level of the facility affect decisions?
- What are the other potential uses for the video visiting technology within the facility or system?

Assessing the Setting: Prisons and Jails

The goals of an administration and the needs of the incarcerated will be influenced by the setting. The average length of stay is shorter for jail populations and turnover is high as compared to prison populations. Jail administrators may often prioritize safety, security and staffing needs over programming and reentry considerations because populations are generally short-term. On the other hand, prisons are more likely to use video visiting to enhance in-person visiting to promote family connections and to facilitate reentry. In-person visiting can be particularly labor intensive for small facilities, particularly small jails, that often have a limited number of staff on a single shift to dedicate to numerous tasks.

The needs of the incarcerated differ depending on the setting. Consider the following:

- Pre-trial vs. sentenced population
- Length of stay
- Population size
- Programming needs, such as mental health, medical, substance abuse treatment, reentry, etc.
- Variations by age, gender, and legal status
- Number of incarcerated parents with minor children

What are the legal implications of denying in-person visits for detainees?

The majority of the population at many jails are pre-trial detainees, who are constitutionally presumed innocent and are often thought to be entitled to less punitive conditions than those convicted of crimes.

Some argue that discontinuing in-person visits impinges on the rights of those who have not been adjudicated.

For example, York County, Maine's proposal to replace in-person visits drew opposition: "Faunce, who was a member of the state Board of Corrections until May 2011, said in his mind, the negative consequences of the proposal outweigh perceived benefits. He said underfunded courts have led to extended wait times for criminal trials and questioned whether removal of human contact for loved ones who haven't been convicted of a crime can be justified."[66]

Logistical challenges will also differ across settings. As an early step, conduct a site survey at each facility to assess the building's structure, layout, and space availability. Older buildings may present logistical challenges because the wiring and infrastructure may need to be updated to accommodate the technology. These modification costs may far exceed the potential cost savings associated with video visiting.

The location of a facility will also influence which model is determined to be the best fit. Installing video visiting in prisons often present different challenges than jails, because state prison systems are often comprised of multiple facilities that are scattered throughout a state. If distance is a barrier for families, administrations may partner with community-based agencies to create video visiting centers throughout the jurisdiction, and/or offer home-based video visiting to increase visitor access.

Creating an Advisory Group

An advisory group of key stakeholders can assist a correctional administration in exploring whether to implement and how best to implement video visiting. The group may include the following stakeholders: correctional administrators, officers, civilian staff, public affairs, and IT personnel; incarcerated individuals; family member of an incarcerated individual; adult child of an incarcerated or formerly incarcerated parent; community-based partners; union representatives; advocates for the incarcerated and their families; Department of Child Welfare; and representatives from criminal justice system agencies (court, probation, parole, etc.). Collaboration garners respect and buy-in from correctional staff, ensures that multiple perspectives and needs are considered, leverages efficiency, and improves implementation. Advisors should be respected individuals who understand the organizational culture of the correctional agency and its population. Inclusion of incarcerated individuals and their family members also increases credibility for the "consumers" of video visiting.

An advisory board was key for the Oregon Department of Corrections

"We believe a key part of successful implementation is a project team with representatives from all the work areas affected."—Kelley Morton, Operations Division Policy Manager, Oregon Department of Corrections[67]

Identifying Goals and Determining Feasibility

By identifying and prioritizing short- and long-term goals, sound assessments can be made about whether video visiting meets the needs of an agency and ensures that an appropriate video visiting system is chosen. (See Appendix 2A-1: Identifying Goals, for a checklist of considerations.) This is the time to be creative and forward-thinking in considering the ways that technology can meet current and future programming needs. If the "big picture" is not considered, an agency may be left with an outdated system in a few years. An advisory group offers multiple perspectives and could be tasked with identifying needs and goals.

A feasibility study of each facility/location will help an agency determine whether video visiting is a good fit. A study may include the following:

- Goals and potential uses (e.g., visiting, court appearances, reentry planning, etc.)
- Potential benefits
- Potential challenges and areas of concern
- Analysis of IT capacity and infrastructure
- Cost considerations (e.g., video visiting units, contracted services, IT infrastructure upgrade)
- Cost-benefit analysis
- Funding sources
- Site survey (e.g., facility layout, identification of areas to place units, movement pathways, etc.)
- Approaches to acquiring and servicing equipment
- Model type (e.g., community-based partner, home-based, facility-based, or hybrid)

Case Example: Idaho Department of Correction Feasibility Study

Idaho DOC conducted a feasibility study in 2011 to determine whether video visiting was a good fit for their prisons. They determined that it would be costly to upgrade the IT infrastructure and that the facilities lacked satisfactory space. They predicted that a request to the legislature for a budgetary appropriation to upgrade the facility infrastructure, solely for this purpose, would likely be denied. Additional staff would be needed to escort incarcerated individuals to the video visiting area and to supervise the video visits. As a result of their thorough study, they decided not to proceed with video visiting. Here is an excerpt from their study:

Issues / Areas of Concern

Security:

- Background checks, screening of visitors
- Verification of visitor identity
- Monitoring of [video visits] (staffing resources)
- Policy/code of conduct standards (managed as a phone call or as a visitor?)

Facility challenges (space/location):

- Design/layout issues (current facilities not designed to accommodate this service; noise factors)
- Offender movement and staffing impacts reduced if located in living areas

Staffing impacts:

- Security and visiting staff (escorting offenders to/from [video visitation] locations, visit monitoring)
- Background checks (same as contact visitors; charge a fee?)
- Ongoing impacts to IT, investigation, fiscal, and maintenance staff workloads

Customer Service:

- Sound and service quality, interruptions, interference
- Dependability may vary by facility and may be limited by available service providers
- Customer service/satisfaction (refund requests if service is not consistent)
- Visitor perceptions (impersonal; lack of physical contact)
- Viable option for family who otherwise could not visit (children, elderly, chronic or terminally ill, out-of-state); reduces family travel costs

System Options and Variations

Types/Service Options:

- Analog system (old technology)
- Digital/IP-based web (newest technology)
- Satellite point-to-point (additional usage charges)

Configuration options:

- Facility-to-Facility (on-premise stations within incarceration facilities only; possibility of one shared visiting facility for S. Boise complex)
- Home-to-Facility (from any PC with a webcam and internet service to a facility)
- Station-to-Facility (visitors go to designated remote convenience station)
    - Church, probation/parole office, county jail, nonprofit, police sub-station, etc.

Facility terminal options: (includes viewing monitor, phone receiver or headphones, microphone/camera)

- Fixed/permanent stations (phone/video unit or kiosk); cost: $3,000-$10,000 per unit
    - Kiosks can also be used for grievances, commissary orders, inmate banking account view, sick calls, offender surveys, etc.)
    - Proprietary and neutral hardware options
- Laptops (least cost and durability; replacement/maintenance issues); cost: $400 per unit
- Mobile units (for medical and close custody cells); cost: $4,000-$6,000 per unit

In January 2014, IDOC began revisiting the possibility of offering video visiting and kiosk-based communication services for the incarcerated through a contracted company. The outcome of their analysis is expected to be known in the fall of 2014.[68]

Costs and Funding Considerations

An agency must weigh the potential cost savings against the costs of acquiring, maintaining, managing, and operating the video visiting system. Any system under consideration should integrate into existing operations and have a minimal net increase in labor costs. Be sure to differentiate between one-time costs (e.g. internet cabling) and ongoing costs (e.g. Internet data plans). (For more information see Appendix 2A-3: Identifying Potential Costs.)The long-term savings derived through the re-allocation of labor resources and improvements in the incarcerated individuals' behavior may ultimately offset the installation and maintenance costs.

Some video visiting systems can be used for multiple purposes (e.g., sick call, commissary ordering, e-mail, bail lookup, etc.), which potentially increases the return on investment. (See Appendix 1A: Other Video Conferencing Uses in Corrections for more information.*)*

Costs can vary widely depending on the level of responsibility that is assumed for servicing and maintaining the system
Common approaches include the following:
▪ **Self-owned and operated systems:** DOC purchases the video visiting system and is fully responsible for maintaining and managing the system (ongoing repairs, upgrades, and maintenance). This approach may have high upfront costs (equipment costs, installation, and infrastructure upgrade). This approach poses the highest financial risk to DOC because the agency is responsible for fully servicing the system. On the other hand, if the system generates revenue, then DOC retains 100% of the profits.
▪ **Web hosting contract:** DOC owns the video visiting system and contracts out certain aspects of operation and maintenance. This option should only be selected if DOC has the capacity to maintain and repair the hardware and manage the system. DOC will be dependent on the ability of the video visiting company to provide the contracted services. The company might not provide scheduling services or other software. DOC and the company will likely share the financial risk of maintaining the system. DOC may be required to enter a revenue sharing agreement if revenue is generated.
▪ **Full-service contract:** A video visiting company installs, maintains, manages, and hosts the entire system. DOC may buy or rent the video visiting system, or a company may donate the video visiting system units. This approach may have significant revenue sharing caveats and/or ongoing fees for service, especially if the system is donated. This approach requires less labor input from DOC as compared to the other approaches, but DOC is dependent on the company's ability to deliver quality services. Ensure that the company can respond quickly to service calls because costs can increase when the system is out of order. DOC may be able to package video visiting with other services into an existing RFP process (phone, commissary, e-mail, etc.).

The following funding sources could be considered:

- Government funding streams, contracts, or grants
- Corrections budget
- Foundation or private funding
- Financing (offered by some technology companies)
- Inmate general welfare fund
- Community-based agency partnership

Developing a Request for Proposal

Numerous video visiting companies have emerged over the past decade and are routinely present at correctional trade fairs and conferences. The for-profit video visiting companies will emphasize the benefits of video visiting. Therefore, it is important to be informed about the potential challenges for corrections and the potential barriers for families. The intent of this guide is to provide an overview of basic considerations and questions to ask companies. (See Appendix 2A-4: Identifying a Company, for a checklist of considerations.)

The technology industry is constantly changing. Video visiting companies are being bought by larger communications companies that offer multiple services. Some telephone companies are now including video visiting as part of their service package as an incentive for correctional agencies to enter a contract for phone service. Overall costs may be lower if bundled services are offered (phone, e-mail, video, etc.).

To avoid committing to services that may not be a good fit, it is prudent to issue a request for proposal (RFP) only when a decision has been made to implement video visiting. Be clear on what services are needed, based on the identified goals and agency capacity, prior to meeting with a company. Becoming informed will help an agency understand the variety of service packages and be in a position to negotiate terms. For example, companies may provide video visiting systems and installation free of charge, but know that this is often in exchange for a revenue sharing agreement and may include conditions.

Part of being informed is seeing the video visiting system in action, which provides the best sense of a system's video and audio quality and software capabilities. Companies should be able to provide client references and to arrange a visit to another facility where the technology is being used.

It is important to explore whether the company is reputable, stable, and knowledgeable
Consider the following:
▪ **Is the company financially stable?**
▪ **How many years of experience does the company have?**
▪ **Does the company have industry partners?**
▪ **Does the company have a proven track record?**
▪ **Do they charge fees to video visiting customers? Are there service fees?**
▪ **Do they require the elimination of in-person visiting?**
▪ **Is the company sensitive to the needs of correctional agencies and the incarcerated and their families?**
▪ **Has the company worked with a facility/system similar to yours?**

Video Visiting Fees

Charging for video visits creates a barrier for many families and, as a result, potentially reduces visiting frequency. When a fee is necessary, it is best to offer some free visits. The price point should reflect the savings and convenience that the department of corrections enjoys, as well as the limited means of most families. Fees should be some portion of a visitor's savings in travel costs, but remain well within the means of families.[69] Consider surveying visitors to determine if and how much they are willing to pay for video visits. The system may be underutilized if the video visits are unaffordable.

Revenue generated by video visiting fees will likely be small compared to a department's overall budget, and they may not be a reliable income generator. Assuming video is widely used, agencies will need to determine how this revenue will be distributed: inmate welfare fund, video visiting company, community-based partner, returned to administration's budget, etc.

Revenue generated by video visiting fees is often nominal

Minnehaha County Jail, South Dakota, collected approximately $109,400 in video visiting fees over a two year period. But, "Sheriff Mike Milstead cautioned that the visitation money doesn't amount to much. . . . The overall jail budget is approximately $11 million."[70]

Determining whether a fee will be instituted and identifying a price point can be a part of the RFP process. Facilities usually set a price point in conjunction with the video visiting company that often provides a platform (i.e., website and/or kiosk) to collect video visiting fees. Video visiting contracts often include a revenue sharing agreement. In calculating a price point, determine whether visitors will be charged additional service fees by the video visiting company for scheduling and other services (registration fees, background checks, customer service, etc.). What looks like a good per-minute cost model can look less favorable once additional user fees are factored in.Be mindful that visitors may be required to pay with a credit card, which is a barrier for those who do not or cannot own a credit card. Offering a short-term introductory rate may encourage visitors to begin video visiting. This rate should be clearly stated in the agreement with the video visiting company. A cancellation policy should be developed to determine whether and how visitors will be refunded when pre-paid visits do not occur, or when the video or audio quality is poor.

In August 2013, the Federal Communications Commission (FCC) capped the interstate long-distance prison phone rates, reducing the revenue some correctional agencies receive from phone contracts.[71] Some phone companies are now offering fee-based video visiting services to replace lost phone revenue. Correctional administrators may also be tempted to turn to fee-based video visiting to replace lost phone revenue. Relying on the nominal video visiting revenue is not a long-term solution. Furthermore, existing phone contract benchmarks may not be met if community members begin using video visiting instead of phone calls, and video visiting fees may also be regulated in the future.

Companies may suggest that correctional agencies can generate revenue by selling advertising space to promote goods and services (bail bondsmen, lawyers, etc.) on the video visiting monitors. Some video visiting systems have the capability to sell pre-approved digital media to incarcerated individuals. Carefully explore whether these options are appropriate. At this time it is unclear how much revenue can actually be generated from this new area of commerce.

Video Visiting System

The section provides a basic overview of commonly used video visiting systems. A video visiting system consists of the video units (equipment/hardware) and software, and requires an Internet connection. This connection may or may not need to be secure depending on the agency's policy. The longevity of any system should be considered because technology is rapidly changing. For example, some technology companies believe that a video visiting unit will be in every cell in the future, suggesting that some systems will become obsolete. Also note that a "state of the art" video visiting system will not be useful if it does not help an agency meet its identified goals.

Video visiting units

A standards-based system is the most versatile and connects to any other standards-based video conferencing system. A non-standards-based system that only connects to identical systems is limiting. For example, cell phones that only connect with the same cell phone brand are not as useful as cell phones that can call all other cell phone brands. A standards-based system allows for connections to other state, local, and community-based agencies with standards-based systems. If the video conferencing system is connecting to multiple sites, explore if licensing fees (for equipment and/or software) will be charged for each site.

FIGURE 2: VIDEO VISITING KIOSK

Some video visiting systems on the market today include:

- Video Conferencing Unit (+ monitor, camera, microphone)
- Kiosk (often provides multiple services such as court date schedule, bail, sick call, etc.)
- Self-Contained Video Unit
- Computer-Based Desktop Unit (+ monitor, camera, microphone)
- Laptop or Netbook (+ camera and microphone; may be included or purchased separately)
- Mobile Device, such as a smart phone or tablet
- Voice Over Internet Protocol (i.e., phone with video screen)[1]

Know what operating system is installed on the unit, and determine how often the operating system requires updating. Identify how the updates will be performed and who is responsible (correctional IT or contracted company). This is important because operating systems that require constant updates (e.g., Windows-based operating systems) may increase costs. Some operating systems have inhibitors to block updates, and some operating systems update automatically. (See Appendix 2A-4: Choosing a Video Visiting System, for a checklist of considerations)

FIGURE 3: VIDEO VISITING AREA FOR VISITORS AT THE D.C. JAIL

[1] Phone and video calls are transmitted over an IP network.

Software

Software applications are another consideration. For example, scheduling, facial recognition, encryption, monitoring, and tracking software are available. Determine whether the software is compatible with or built into the video visiting system being considered. An agency's IT department should be consulted to determine whether it has the resources and infrastructure to fully utilize the software. Make sure that the software is truly needed. For example, scheduling software may not be useful if only a small number of video visits are conducted per month. Software should be flexible and scalable.

Companies should be able to demonstrate software applications in use and provide a guarantee that the software can perform as advertised. For example, some correctional administrators interviewed for this publication stated that scheduling software was helpful, while others stated that some scheduling software is fraught with technical difficulties. Some families also report dissatisfaction with scheduling software.[72]

Improving data collection and analysis

Software applications which integrate with existing applications, such as case records and/or management systems, are ideal. Data entered into the video visiting application (e.g., number of visits received, names of approved visitors, etc.) can be automatically synchronized with existing applications. This reduces data entry tasks and allows for efficient data collection and analysis.

Determine whether or not software costs are included in the overall video visiting system costs. For example, video conferencing software will likely need to be purchased and installed on computer-based systems (laptop or personal computer). Determine whether the agency or the company will be responsible for the purchase and installation of ongoing updates. (See Appendix 2A-5: Software, for a checklist of considerations.)

FIGURE 4: HOME-BASED VIDEO VISITING

Internet Access

An Internet connection is required for the video visiting units (i.e., endpoints) to communicate with each other. It is ideal to use a high speed broadband connection to ensure high quality video and audio. Be mindful that the audio and video quality of a state of the art system will be compromised if it connects to the Internet using a low bandwidth or an antiquated connection, such as telephone dial-up or an ISDN connection. An agency's Internet service provider (ISP) can help determine what infrastructure is currently in place and what modifications may be needed. New cable may need to be installed if security concerns prohibit connecting the video visiting system to the facility's existing network.

Determine what the minimum recommended broadband width is for the system being considered, and be sure to have the required download and upload speeds. Broadband plans often have a higher download speed than upload speed because people primarily use the Internet to download data. However, video conferencing systems send (upload) and receive (download) data simultaneously. If an endpoint is a mobile device, choose video conferencing software that adapts to changing bandwidths, since mobile devices will be used in multiple environments. (See Appendix 2A-6: Internet Access, for a checklist of considerations.)

When the visitor's endpoint is based in the community, determine whether the visitor (home-based model) or community-based partner has the appropriate Internet access required to connect to the visiting system. It is best if home-based video visitors can test their system requirements before scheduling a visit. Consider providing a link on a DOC or contracted company's website for potential visitors to test their home computer and Internet connections to be sure they are compatible with the video visiting system.

Automated scheduling may reduce staffing demands

"The result is a system that places the burden on the inmate instead of the officer. Inmates first enter e-mail addresses into the system for the people they'd like to visit with online. These e-mail addresses pass through a jail filter system and, if approved, a generic "visitation request" message is sent to the recipients. If the recipients agree to an online visit, the inmate is notified and the burden is again placed on them to schedule all their own visits using a calendar of available dates provided (online) by the jail . . . one deputy is able to watch over the whole process from a single location."—Sheriff Gary Raney, Ada County Jail, Idaho[73]

Security

A firewall protects a computer or an agency's network by controlling the flow of incoming and outgoing data, and it can also be configured to prevent certain types of data from being transmitted. The firewalls at each endpoint (the correctional facility, the community-based visiting site, or a personal computer's security software) may need to be configured to allow for information to flow between the endpoints. Generally, if a system is connected to a network, the agency's IT department can configure it as needed. In some circumstances, the ISP must configure the firewall to permit the transmission of video data.

A correctional agency's Information Security Officer or IT security staff can be consulted to determine how the security requirements set forth by the agency may influence the type of video visiting system and Internet connection that is needed. Agencies requiring a secure connection may need authorization from their state's chief information officer or Office of Homeland Security. Consult with the video visiting company and the Internet service provider to learn about data encryption options.

Video visits can be recorded and monitored live or retroactively. Some monitoring software can terminate live visits. For example, a visit can be ended when too much skin is exposed or specific words are communicated. A policy will need to be developed to address how privileged communication, such as visits with a lawyer or clergy, will be kept confidential. Software can flag privileged communication so that it is not recorded.

If a recording of a video visit is used in a court proceeding, the defense attorney will likely ask whether the recording was edited or manipulated in any way. Inquire whether the video visiting provider can offer witness testimony about the recording's authenticity. A company may offer a proprietary format that eliminates the possibility of tampering or editing; however, this may become problematic if the correctional agency switches systems or works with a different company in the future.

Policies and Procedures

New policies and procedures may be created, or an existing visiting policy or procedure can be amended. The advisory group may be tasked with developing new or revised policy and procedure. If you partner with a community-based agency it can be helpful to collaborate with them, especially when they are providing supportive services such as parent coaching or reentry planning. (See Appendix 2A-7: Policies and Procedures, for a checklist of considerations.)

Key issues outlined in Oregon DOC video visiting policy

"Oregon DOC treats Video Interactive Phone (VIP) calls as phone calls. Oregon has a point system for managing the number of visits each inmate is allowed per month. By treating VIP calls as phone calls, ODOC did not directly impact the visiting system. VIP calls add to the number of ways inmates can make personal contact with friends and family, which is a department goal.

One of the more controversial issues when we first considered the VIP call service was the concern for protecting victims. Because the call recipient must positively accept a call from the [telephone] or VIP system, and can contact [the company] or ODOC at any time to block future calls, our executive leadership elected to allow contact as long as we have access to the audio and video recordings and each and every caller is positively identified. Acceptance of this decision required communication with parole and probation staff, district attorneys, and victims' advocates groups, as well as ODOC staff."—Kelley Morton, Operations Division Policy Manager, Oregon Department of Corrections[74]

Where to Place the Video Visiting Units

Where the video visiting units are located (endpoints) can affect labor costs, flexibility of visiting hours, safety, privacy, visitor access, and utilization. For example, placing video visiting units in the housing dorm reduces movement, potentially allowing for staff to be dedicated to other tasks. When this option is not possible or desirable, consider placing the video units in a common area that reduces movement as much as possible. A site survey will help an agency assess where best to place the video units at the facility. A visitor survey can help assess where best to place the video units that are used by visitors. For example, a survey can reveal whether visitors may choose not to video visit when they have to travel to the facility or an inconveniently located visiting center.

It is very important to test the camera angles and room lighting upon installation, especially if video conferencing is going to be used for legal purposes, probation interviews, parole board appearances, and video visits with children. Poor audio and video quality may lead to negative perceptions about an individual's credibility, which may negatively influence legal outcomes for those appearing via video conference. (See Appendix 1A: Other Video Conferencing Uses in Corrections). Children may be scared or confused when the picture quality and audio is poor, or when they can only see part of their parent's face on the screen.

Children are most comfortable when video visiting is child-friendly. Consider placing the video visiting unit for visitors in an area that can accommodate toys and books. Consider providing identical toys and books at both video endpoints so incarcerated parents can read to and play with their children. A child-friendly backdrop behind the incarcerated parent is helpful for children who may become distracted or upset by seeing a correctional setting or unpleasant surroundings on the video screen. A community-based partner and/or civilian staff can provide children, the incarcerated parent, and the family with supportive services. (See Appendix 1B: Video Visiting with Children, for more information.)

Privacy is another important consideration at both endpoints. Visitors may see staff and other incarcerated individuals in the background if the video visiting units are located in the housing dorm. Visiting units could be placed in a secure area or partitioned off with a divider to improve privacy. The desire for privacy should not be assumed to indicate inappropriate communications; many incarcerated individuals fear having images of their family members seen by others.

Privacy is a concern for families

". . .[J]ail officials installed them right in the housing units. That means all the other inmates can hear the visits and see the screen. Tracey said when she was talking to her son, she could see other inmates leaning over him to listen in. "Where is the privacy?" Tracey asked. "Everybody is listening. Everybody can see."[75]

Working with a Community-Based Partner

When partnering with a community-based agency to host video visits in the community, look for an agency that can provide some or all of the following characteristics:

- Is located in communities where large percentages of the incarcerated and their families live
- Is reputable
- Has the technical knowledge and infrastructure needed to access the Internet
- Provides services to incarcerated individuals returning to the community
- Offers supportive services for families and friends of the incarcerated
- Can provide safe and non-judgmental space
- Can provide a child-friendly environment
- Can prepare children and caregivers to video visit, and provide ongoing support
- Has the ability to process visitors and verify identification
- Provides hours of operation which are compatible with families schedules
- Has trained staff to monitor visits when it is required by DOC

A memorandum of understanding or contract is advised to ensure that both parties understand their financial responsibilities for the video visiting system, staffing, and other services provided. For example, who is responsible for upfront video visiting system costs and maintenance at the community-based site? A revenue sharing agreement can be included if fees are collected. (See Appendix 2A-8: Community-Based Partners, for a checklist of considerations when working with a community-based partner.)

Community-based partners can provide support to families

Organizations that provide supportive services and offer safe spaces for families, who are often stigmatized, are ideal partners for video visiting. Hope House in Washington, DC hosts video visiting as well as provides a summer camp for children of incarcerated parents and a reading program in which children receive a recording of their incarcerated fathers reading a book.

The Osborne Association in New York provides supportive services to children before, during, and after each video visit. The Osborne Association also sponsors monthly peer activities for children, runs a youth advocacy program, and transports video visiting children to the facility to watch their mothers graduate from a parenting class. The Osborne Association also provides parenting programs in prisons and reentry services in the community, allowing for a continuum of care for video visiting families once their loved one comes home. Also consider partnering with local community centers, child welfare and human services offices, and communities of faith.

FIGURE 5: CHILD-FRIENDLY VIDEO VISITING ROOM AT THE OSBORNE ASSOCIATION IN NEW YORK CITY

Develop a Communications Plan

A communications plan can be developed to inform and educate correctional personnel, incarcerated individuals, visitors, and the community about video visiting. Information should be individualized for specific facilities. According to correctional personnel interviewed for this guide, engaging these stakeholders prior to launching video visiting was a key ingredient to successful implementation. Consider developing tip sheets to help visitors prepare for video visits. Preparation is especially critical for children and their parent or caregiver in the community. A community-based partner that has experience working with family members of the incarcerated can help create tip sheets and convey information about video visiting to families. Information about the video visiting launch, rules and regulations, and scheduling instructions can be distributed in the following formats:

- Newsletters
- Department of corrections' website
- Community-based partner website
- Visiting room flyers
- Family handbook
- Frequently asked questions
- Brochures
- Media coverage

Advisory board members can promote video visiting by sharing information in staff meetings and during interactions with visitors, public agencies, and community-based agencies. "Inmate council" meetings are a good forum for sharing information with the incarcerated. Consider creating materials in multiple languages to meet the community's needs.

Determining a Launch Schedule

Consider beginning with a pilot site if there are multiple facilities or dorms. Consider phasing in one model at a time when implementing multiple models (facility-based, community-based, home-based). Working out problems prior to large scale implementation may reduce pushback from staff, incarcerated individuals, and visitors. A pilot can help identify technological problems and unforeseen challenges. Implementing video visiting in phases may also counter resistance to large scale change.

CHAPTER 3: EVALUATING A VIDEO VISITING PROGRAM

Establishing a video visiting program includes planning for the data that will be collected as the program gets underway. Information about the program will be needed and used for different purposes, which may include conducting quality reviews, providing reports to funders or partners, and making adjustments to the program plan or design. It is best to have a clear plan in place before start-up, including what information will be collected, what tools or instruments will be used to collect it, and who is responsible for managing the data. This chapter is intended to provide some guidance about how to plan and implement the evaluation activities associated with a video visiting program.

Developing an Evaluation Plan

An evaluation plan is a summary of what will be evaluated, how the information will be collected, and how the information will be used to guide decision-making about the program. It serves as a guide for each step of the evaluation process and establishes a timeframe for when information will be collected. It is important to establish an evaluation plan before a program even begins providing services, so that the necessary information is collected from the start.

The launching point for an evaluation plan is a clear program description which articulates the target population, the purpose and goals of the program, and a service delivery plan. A logic model is one tool that can be helpful in defining a program's planned activities and goals. It provides a graphic representation of what an agency plans to do as part of a program as well as what it intends to achieve in terms of results or outcomes. It is useful as both a program design instrument and as a program evaluation tool. There are many online resources that describe the process of developing a logic model, along with samples of logic models (See appendix 1X: Resources).[76]

THE ILLUSTRATION BELOW SHOWS THE BASIC COMPONENTS OF A LOGIC MODEL:

Planned Work ⟷ Intended Results

Inputs	Activities	Outputs	Short-term Outcomes	Intermediate Outcomes	Long-term Outcomes
Examples: -correctional staff -community partners -participants -funding -video-conferencing equipment -space in community and facility for video visits	Examples: -outreach -training -intake and assessment -video visits -pre-/post-visit counseling	Examples: -number of video visit locations established -number of individuals trained to conduct video visits -number of individuals receiving video visits -number of video visits per year	Examples: -increased frequency of visits between incarcerated person and family -reduction in movement required for visits -reduction in contraband - percent of video visit user satisfaction	Examples: -reduction in labor costs dedicated to visiting -improved institutional adjustment among incarcerated people -improved safety in correctional facility	Examples: -strengthened family relationships or social support networks -reduction in recidivism rate

There are different kinds of evaluations, and developing an evaluation approach depends on a number of factors, including the developmental stage of the program (i.e., is it just starting up or has it been running for a while) and the purpose of the evaluation (i.e., how the information will be used).

A process evaluation is focused on the first three components of a logic model—the inputs, activities, and outputs. It is different from an outcome evaluation in that it looks at how the program is being implemented and/or delivered, rather than focusing on program results or impacts.

Questions that can be part of a process evaluation include:

- What services are being delivered?
- Are the services being utilized?
- How are services or program implementation different from what was planned?
- What barriers have been encountered in implementing the program?
- What is going well/not so well in the program?
- How are participants responding to the program? Are they satisfied with the services?

It makes sense for new programs to start with a process evaluation because it helps to determine whether or not the program is being implemented as expected and if there are any program quality issues that should be addressed. The information gathered through process evaluations can help to identify changes or improvements that should be made to the program before an outcome evaluation is conducted.

As the name implies, an outcome evaluation is designed to assess the results or outcomes of the program. It focuses on the last three components of the logic model—the short-term, intermediate, and long-term outcomes of the program. An outcome evaluation is appropriate for programs that are relatively well established and stable, once wrinkles in the process have been largely ironed out. If an outcome evaluation is conducted too early in the life of a program, the results may indicate that the program is having little impact and it will be difficult to know whether this is because the program is truly ineffective, or because services are not being delivered in the way that was intended, or because it is just too soon to expect the kind of impact desired.

Outcome evaluation questions for a video visiting program depend on the goals of the program and could include:

- Is the program reducing contraband in the facility?
- Are people who are incarcerated building stronger support networks through video visiting?
- Are children developing stronger relationships with their incarcerated parents through video visiting?

When conducting outcome evaluations, evaluators use specific, defined measures to investigate achievement of some or all outcomes defined in the logic model. For example, evaluators of a program that aims to improve parent-child relationships through video visiting could select a survey that asks respondents to report on the quality of their relationship. If administered over time, i.e., pre- and post-participation in video visiting, the results could demonstrate an improvement in connectedness. Samples of surveys and research instruments can often be found online, which can be useful as references when establishing outcome measures.

Throughout the process of developing the program framework and evaluation design, it is helpful to seek the input and suggestions of multiple stakeholders. If an advisory group assisted in developing a video visiting program, then they may be very useful in also providing guidance on deciding evaluation goals and approaches. Using a participatory process that involves correctional staff, incarcerated individuals, families, and community members ensures that different perspectives are included in the program and evaluation design.

Developing Data Collection Tools

Once it has been decided what information is needed about a program, the next step is to develop the tools or instruments to collect it.

Forms—Intake and assessment forms can be used to collect information about the participants in a program, including demographic, contact, and family information.

Service Logs—Paper-based service logs can be used to capture information about services, such as when video visits are scheduled, when they take place, and the duration of visits. Software is also available to schedule and track video visits, which eliminates the need to collect information on paper and then enter it into a data system. A video visiting system used by Washoe County Jail in Nevada, for example, allows for visits to be scheduled, logged, and reported on automatically (Campbell 2012).[77]

Surveys—Information about participants' experiences with a program can be gathered through surveys of incarcerated people and visitors, including what they like and do not like about the program, what suggestions they have for program changes, and if/how they feel they have benefited from video visiting. Surveys can also be used to collect information about staff experiences with a program, particularly if there are a large number of staff involved in the program or there is a desire to collect feedback from staff anonymously.

Interviews—Interviews can include one-on-one interviews with participants, staff, or other stakeholders, as well as group interviews such as focus groups. Interviews can provide useful qualitative information about a program and provide the opportunity to probe a question or issue more deeply than a survey might allow.

Administrative records—Facilities may already be collecting information about their ongoing operations that is relevant to evaluation questions and useful to include in an evaluation plan. For example, reports on contraband seizures can be used to track whether there are significant changes in the amount of contraband found over time and to evaluate if a reduction in contraband might correlate with the introduction of a video visiting program. An evaluation of a program that has a goal of reducing personnel costs associated with visiting might include fiscal records as part of the data collection plan, in order to compare costs before and after the start of the program. If a goal is to increase the number of individuals who have visits (virtual or in-person), then these contacts can be measured before and after the introduction of video visiting.

Observational Tools—Some video visiting programs observe visits and collect information about the interactions between the incarcerated individual and the visitor using observer rating tools. This approach is particularly relevant for video visiting programs that are intended to help strengthen relationships among family members and between parents and children. Researchers from the University of New Hampshire, for example, use observational tools that were adapted from a child welfare home visit checklist to observe and rate a parent's affect and confidence level during video visits conducted from two New Hampshire prisons. Parents are given feedback about the observations, in order for parents to understand how they can improve the quality of their interactions with their children.

Data Systems

Collecting data for evaluation purposes does not necessarily require expensive or sophisticated data systems. In many cases, a simple spreadsheet in Excel can track the necessary information. Microsoft Access is a relatively simple database system that many organizations already have as part of their software tools. Online tools can also be very helpful, and some are free or low cost. There are a number of online survey tools that can be used for tracking survey results (even if the survey is administered on paper and data entered online, tools such as SurveyMonkey or Zoomerang can allow for useful analysis and reporting). Integrated video visiting systems that collect data automatically can reduce the amount of labor dedicated to the physical entry of data.

Making Use of Evaluation Results

Evaluations should be designed to inform administrators about a program's performance and to collect data that can be used in decision making about program operations and development. An evaluation is a futile effort if it produces information that is never used. Therefore, it is important for an evaluation plan to include specifics about how data will be analyzed, shared, and utilized, including who is responsible for each aspect of the work. This might include scheduling monthly reviews of how service levels compare to targets or planning for how survey results will be discussed during staff meetings, so that an action plan can be developed to address any identified issues or challenges. Evaluation results may also be useful to administrators of other video visiting programs, so you might include strategies for disseminating information or "lessons learned" to others in the field, as part of your evaluation plan.

Preparing to Assess Impact and Outcome

Developing a good data collection system and conducting a process evaluation to examine how well the program is being implemented lay the groundwork for preparing to assess program impact. The data reviews and quality checks that are part of your initial evaluation efforts will help to determine if there are any data collection protocols that need to be adjusted or improved before launching an outcome evaluation. For example, if information is consistently incomplete on service tracking forms, then training and follow-up can be provided to improve data collection and quality. A data collection plan is a good way to prepare for an evaluation that will assess program impact; it includes the measures that will be used, the source of the data, the frequency that data will be collected, and the people responsible for collecting and reviewing the data. A sample data collection plan is included at the end of this chapter.

Working with Researchers and Professionals in the Field

The research units within corrections departments can be a valuable resource for developing process and outcome evaluations. Many community-based video visiting programs do not have funding to support an evaluation specialist or researcher on staff. If the budget will allow, it may be worthwhile to engage an evaluation consultant to provide support on developing the evaluation plan and guiding its implementation. Evaluation consultants can be found through networks like the American Evaluation Association, which maintains a list of professional evaluators throughout the United States. Local colleges and universities can also be great resources for interns, student consulting teams, and/or graduate students or faculty members who would be interested in collaborating on a small-scale program evaluation. There may also be opportunities for Technical Assistance (TA), training, or consultation through research organizations and professional networks like the Council on State Governments, the Corrections Technology Association, or the IJIS Institute.

APPENDIX 1A: ADDITIONAL USES FOR VIDEO CONFERENCING IN CORRECTIONS

Legal, Probation and Parole

Correctional agencies are using video conferencing for the following purposes:

- Arraignments
- Bail hearings
- Court hearings (family and criminal)
- Immigration hearings
- Misconduct hearings
- Witness testimony and depositions
- Child support hearings
- Probation interviews
- Parole Board hearings
- Legal counsel visits

Video conferencing has the potential to increase efficiency

"Westchester County Jail has a bail expediter. This person uses video to interview all new admissions. If they qualify for the program, the interviewer will phone relatives and friends to help the inmate arrange bail. This process saves us anywhere from 200-300 jail days per month. Video has made this process exponentially more efficient."—Captain Mark Reimer, Westchester County Jail, New York[78]

"It once took two weeks to arrive at a [parole] decision, and now it takes two days."
—Lynette J. Holloway, Michigan Department of Corrections[79]

Video conferencing is a potentially efficient and cost-saving alternative to in-person court and parole board appearances, probation interviews, and legal counsel visits. Video conferencing can reduce transportation costs and costly per diem rates that prisons pay to county jails to house individuals who must travel long distances to attend court hearings. The Michigan Parole board conducted 13,000 parole hearings in 2007 using video conferencing, reporting that video conferencing reduced decision making time, increased capacity to process cases, and reduced transportation costs.[80]Using video conferencing for attorney-client communication and probation interviews potentially increases efficiency and reduces congestion at facilities, especially jails. Note, however, that attorney-client video conferences should not be monitored or recorded because this privileged communication is confidential.

However, video conferencing may negatively affect one's perception of an incarcerated individual's credibility, questioning the fairness and due process of using video conferencing for legal and parole appearances. Research on the use of video conferencing in legal proceedings is scarce, but this credibility issue has been prominent in immigration hearings. One study found that individuals applying for asylum via video conferencing were half as likely to be granted asylum compared to those appearing in-person.[81] Some studies found that non-verbal cues may be harder to interpret or be over exaggerated when video conferencing is used to communicate.[82] Attorneys and observers that participated in another study said that judges in immigration proceedings were less likely to be empathetic due to the emotional disconnect that video conferencing creates.[83] An evaluation of bail hearings in Cook County, Illinois, found that bail was set higher for individuals appearing via video conference as compared to in-person hearings.[84]

An incarcerated individual's credibility may also be questioned when the video and/or audio quality of the video conference is poor.[85]Even poor camera placement can give the impression that an interviewee is not looking the judge, jurors, parole board commissioners, or a probation officer in the eye. Therefore, video conference participants could be advised that the technology may lead to false impressions of visual and verbal communication. Consider providing opportunities for individuals to become comfortable with video conferencing before they appear via video conference for important legal matters.

Medicine

Physicians and psychiatrists use video conferencing ("telemedicine") with incarcerated individuals to meet many medical needs, including the following:

- Triage, assessment, diagnosis, treatment planning, and follow-up
- Prescribing and monitoring medication
- Managing infectious disease
- Delivering urgent care
- Post-release treatment planning
- Medical consulting with correctional medical staff
- Training for nurses and physicians based in a correctional facility

As early as 2004, "over 50% of state correctional institutions and 39% of federal institutions [were] using some form of telemedicine."[86] Telemedicine has the potential to leverage efficiency in health delivery and reduce costs (doctors billing for mileage and travel time). "In 2007, MDOC [Michigan Department of Corrections] conducted more than 1,000 telemedicine visits, producing an estimated savings of $125,000 in transportation costs alone."[87] Telemedicine also has the potential to deliver quality and specialty medical services to incarcerated individuals in remote prisons who may not otherwise have access to these services. Facilities that are located close to a hospital or clinic are better positioned to transport incarcerated individuals for in-person medical care at a low cost.

In exploring whether telemedicine is an appropriate supplement for physical examinations, consider the following:

- Can telemedicine meet the medical needs of the incarcerated individuals in the facility?
- Is it appropriate to the severity and types of illness typically seen in the facility?
- Is it difficult for physicians and specialized providers to access the facility?
- Can you identify any doctors or companies who specialize in telemedicine?
- Can you provide adequate privacy and confidentiality to satisfy both patient concerns and HIPAA?

Mental Health (TMH)

The American Telemedicine Association recommends using interactive video conferencing with individuals who cannot otherwise access quality in-person mental health services.[88] One study found that incarcerated individuals participating in telemental health sessions (TMH) reported that they were able to establish a therapeutic relationship with the clinician, suggesting that TMH is a viable way to deliver mental health services.[89] More research is needed to determine how effectively, and under what conditions TMH meets an individual's mental health needs. TMH has been successfully used in a correctional setting to provide the following services:[90]

- Psychological and psychiatric assessment, diagnosis, treatment planning, and follow-up care
- Therapeutic counseling
- Forensic evaluations[91]
- Consultation with correctional clinical staff

The American Telemedicine Association's (ATA) review of evidence-based practice found that TMH is frequently used in jails, specifically for pre-trial detainees with an elevated risk of suicide and substance withdrawal.[92]TMH reduces costs and safety concerns associated with inmate transfers and may increase the likelihood that individuals in crisis receive urgent care when an on-site mental health provider is not available. However, ATA warns that TMH should not be implemented solely as a cost saving measure due to the vulnerability of incarcerated individuals. With the recent increase in suicides in jails reported by the Department of Justice, an on-site clinician may prove especially critical during a crisis.[93]

Education: video-based instruction for incarcerated individuals

Interactive video-based instruction and online learning has the potential to increase an incarcerated individual's access to educational programming, particularly for incarcerated individuals in remote locations. Education is a key ingredient for successful reentry. The Rand Corporation found that incarcerated individuals participating in educational programs had a 43 percent lower likelihood of recidivating and a 13 percent higher likelihood of obtaining employment post-release compared to incarcerated individuals who did not participate in educational programming.[94]

Communication, oversight, and staff development in corrections

Interagency communication and operational efficiency can be improved with video conferencing. Prison systems stand to gain the most because of the necessity to oversee multiple sites from a central location. Staff meetings, supervision, and professional development trainings can be conducted from the central office and delivered to multiple sites without incurring travel costs. Video conferencing can facilitate communication between corrections and other city and state agencies, such as departments of health, mental health, social services, child welfare, and labor. For example, video conferencing has the potential to assist child welfare agencies in meeting mandates requiring communication with incarcerated parents and court-ordered visiting between incarcerated parents and their children.

Appendix 1B: Video Visiting with Children

Visiting is crucial for most children and incarcerated parents, but only 42% of parents in state facilities and 55% of parents in federal facilities received in-person visits with their adult or minor children from 1997–2004.[95]In 2000, 60% of incarcerated parents were in prisons over 100 miles away from their last place of residence, with incarcerated mothers being housed in prisons an average of 160 miles away from their children.[96]Video visiting is an opportunity for incarcerated parents to remain connected to their children when children are not able to visit the facility on a regular basis.

Children of incarcerated parents are often exposed to a greater number of risks as compared to any other single group of children, and as a result, parental incarceration can have long-range economic, emotional, and social consequences that affect children's well-being.[97]In most cases, these risk factors can be mitigated when children have opportunities to regularly communicate with their incarcerated parents. Children benefit the most when visits are frequent and consistent.[98] Children benefit from traditional visits with their incarcerated parents in many ways. A visit may:

- Provide opportunities for healing, and mitigate the trauma of separation
- Offer opportunities for discussions about a parent's decision-making and law breaking
- Assure children that incarceration is not their fault
- Dispel children's fears about the conditions at a facility
- Allow children to maintain a relationship with their incarcerated parents
- Support an incarcerated parent's preparation for release, reentry, and family reunification

Supportive video visiting programs increase communication between children and their incarcerated parents while providing supportive services for the whole family. These programs may facilitate parenting classes in the facility. Video visiting provides incarcerated parents with an additional forum (in addition to phone calls, letters, and in-person visiting) to practice their parenting skills. Supportive services may also include visit coaching; case management or resource referrals; and visit preparation and debriefing for the child, incarcerated parent and caregiver. Counseling and support is important for incarcerated parents because visiting can be painful and emotional. Some examples of supportive video visiting programs include:

- Florida Department of Corrections and Abe Brown Ministries
- New Hampshire Department of Corrections
- New Mexico Corrections Department and Peanut Butter and Jelly Services
- New York Department of Corrections and Community Supervision, the New York City Department of Correction and The Osborne Association in New York
- Rivers Correctional Institution, North Carolina (contracted to house sentenced individuals from Washington, D.C.) and Hope House in Washington, D.C.

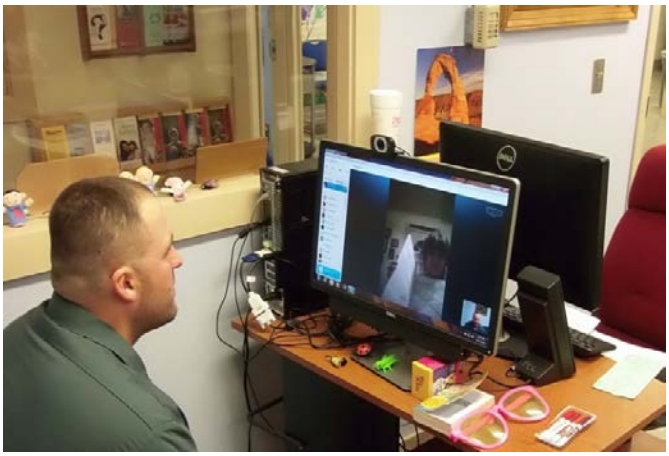

Figure 6 NH DOC's Family Connections Center Video Visiting Program

Video visiting is also an alternative for children who had a negative experience travelling to or visiting at the facility. Researchers theorize that correctional visiting environments that are not child-friendly may account for children's negative reactions to visiting, underscoring the necessity for child-friendly visiting policies.[99] As such, correctional agencies could explore how best to ensure that children are treated sensitively when they visit in-person, while also offering video visiting in a supportive setting as a child-friendly supplement to in-person visits.

Note that in-person contact is important for establishing the parent-child bond, especially for young children. Infants and children with developmental delays may not have the ability to understand that the face on the screen is their parent, or may be confused and frightened by the video visiting experience. When children are separated from their parent by circumstances other than incarceration, in-person visiting is recognized as necessary to sustain a meaningful relationship with a parent: "while virtual visitation offers many benefits, including expanding access between children and non-custodial parents, virtual access should not be used to replace physical visitation."[100] Contact visiting is so important that the Bill of Rights for Children of Incarcerated Parents includes, "I have the right to speak with, see and touch my parent."[101]

New Hampshire DOC Family Connections Center: supportive home-based video visiting program

In 2008 the New Hampshire Department of Corrections (NHDOC) implemented home-based video visiting for incarcerated parents and their minor children as part of the Family Connections Center (FCC) programming, which is supported by NHDOC funds and a mix of grants.

Incarcerated parents participate in a parenting class, a play seminar, and weekly parenting support groups to be eligible for bimonthly video visits. FCC staff housed within the prisons provide supportive services and monitor the visits. An FCC staff member is in the room with the parent during the video visit to ensure the security and well-being of the child and the incarcerated parent, and provides parent coaching as needed.
The University of New Hampshire is evaluating FCC's video visiting program, examining its impact on the parent-child relationship and children and parents' reaction to the technology. A researcher based at the University of New Hampshire trains FCC staff to use an observational tool during the video visits to gather data for evaluation purposes.

Incarcerated parents use a designated corrections-owned computer that provides flexibility in designating a video visiting area. Children use Skype to video visit in their homes from any computer or mobile device with a camera and internet connection. FCC Director, Kristina Toth, states that cancellations are few and attributes the high participation rate to the convenience of the home-based video visiting model. (See Figure 6)

Preliminary findings on video visiting with children and incarcerated parents

The most comprehensive research to date on video visiting was conducted on the Florida Department of Corrections' pioneering Face-to-Face program, which included a video visiting component.[102] Findings culled from interviews with 335 participating incarcerated mothers indicated that their self-esteem and relationships with their children improved. Families reported that video visiting enabled contact that was previously not possible because of distance. A community-based center coordinator stated that "as the result of this program we have been able to see reunions of families who have not seen their loved ones in months. There was one child who had not seen his mother in five years; and a mother who had not seen her family in four years."[103]

Children participating in the Osborne Association's video visiting program, which offers video visiting in two New York State prisons, consistently reported positive feelings after video visiting. They liked it because they could "see" their mothers and fathers, and many reported that it is better than phone calls. A New York City-based youth, who video visits with her mother who is incarcerated 10 hours away, states: "I love video visiting! I feel privileged to video visit. It allows me to see my mother who is in a prison so far away. It's a great addition to real visits, phone calls and letters. I think video visits should be in every prison."

Preliminary evidence suggests that children are more engaged with video visits as compared to phone calls. One study looked at how 22 families used video conferencing to communicate with family members.[104]Although this study did not look at communication between children and an incarcerated family member, it contributes to our knowledge about how children engage with family members using video conferencing. This study found that children were more engaged with video visiting because the visual component allowed them to make eye contact, engage in visually interactive play, and communicate non-verbally. These families reported that in-person visiting was more natural when it occurred because children recognized their family member from video visits. A grandmother for two young boys participating in NHDOC's video visiting program related that her grandsons "get bored and very distracted when there is no visual to engage the children. I always dread when the boys' daddy calls as I know it will be a struggle to keep them interested."[105]An incarcerated mother who participated in video visits at a Florida prison related that her son "loves to see me over the computer but he doesn't talk when I call on the phone. Maybe it's because he's so young."[106]

APPENDIX 2A: IDENTIFYING A VIDEO VISITING MODEL

These checklists include considerations that will help you determine the best video visiting model for a particular system or jurisdiction. Considerations for creating policies and procedures and working with community-based partners are also provided. For an overview of key implementation activities, please refer to Appendix 2B: Implementation Checklist.

2A-1: Identifying Goals

First, explore which goals you wish to achieve by using video visiting:

- ❑ **Connect families and build social support systems**
- ❑ **Visits for no-contact populations: medical quarantine, security restriction, etc.**
- ❑ **Promote the maintenance and strengthening of the parent-child relationship**
- ❑ **Support the mental health and institutional adjustment of the incarcerated**
- ❑ **Cost savings**
- ❑ **Increase flexibility and expansion of visiting opportunities**
- ❑ **Reduce visiting room congestion**
- ❑ **Improve security: reduce movement and contraband**
- ❑ **Support reentry planning**
- ❑ **Reduce recidivism and increase public safety**
- ❑ **Legal purposes: court appearances, attorney-client meetings, depositions, etc.**
- ❑ **Probation: pre-sentence interviews**
- ❑ **Parole board hearings**
- ❑ **Program needs: mental health, medical, psychiatric (suicide supervision, medication consults, etc.), and other specialized programming**
- ❑ **Reduce transportation costs and the per diem rate paid to a county jail when an incarcerated individual must attend court**
- ❑ **Communicate and share information with the incarcerated: court dates, bail, policies and procedures, etc.**
- ❑ **Intra-agency communication**
- ❑ **Cross-systems collaboration (child welfare, child support, probation, parole, etc.)**

Notes:

2A-2: Identifying a Video Visiting Company

Ask the following to determine which video visiting company is a good fit:

- ❑ **Does the company help you fulfill your short- and long-term goals?**
- ❑ **What equipment and software does the company offer? What is the cost?**
- ❑ **Does the company install the equipment? Software?**
- ❑ **What services does the company provide? What are the costs?**
- ❑ **Can the company demonstrate how the equipment works?**
- ❑ **Can the company provide you with references and arrange a visit at a facility to observe an active system?**
- ❑ **Does the company install internet cables?**
- ❑ **Does the company service the equipment? Does company offer on-site services? If not, how quickly can they respond when there is a problem?**
- ❑ **Does the company provide ongoing technical support?**
- ❑ **Is there help desk support? Are there maximum use limits, and what are the fees when the maximum is reached?**
- ❑ **Does the company provide training to staff, visitors, and incarcerated individuals?**
- ❑ **Does the company require the video equipment to be broken down and shipped to a repair center? If so, this could be costly.**
- ❑ **Does the company provide a spare backup unit so that workflow is not interrupted when a unit is down?**
- ❑ **Does the company regularly update the equipment and software? Does the company charge for these updates?**
- ❑ **Does the company offer a variety of operating systems?**
- ❑ **Is the company able to modify the operating system to meet your evolving needs?**
- ❑ **Does the company offer equipment that is compatible with your existing infrastructure?**
- ❑ **Can the company test home-based systems for connectivity and other minimum system requirements before the video visit begins?**
- ❑ **Can the company store recordings of visits? If so, what is the charge?**
- ❑ **Does the company require that in-person visiting be eliminated?**
- ❑ **If revenue is generated, what are the company's revenue sharing requirements?**
- ❑ **Does the company set affordable fees and service charges for customers?**

Notes:

2A-3: Identifying Potential Costs

Consider these potential costs. Be sure to differentiate between one-time and ongoing costs:

A. Equipment (e.g., computer, kiosk, VoIP, etc.):

- ❑ **Will the company charge for the equipment? If so, what is the cost per unit?**
- ❑ **Who pays for the video unit used by the visitor? (DOC likely absorbs the cost if the endpoint is at facility, but DOC may not absorb the cost if it is in the community.)**
- ❑ **Will you need application and recording servers and switches (self owned model)?**
- ❑ **What are the orientation training costs for correctional staff, incarcerated individuals, and families?**
- ❑ **Are there per-unit licensing fees at each endpoint?**
- ❑ **What are the installation costs?**

B. Software:

- ❑ **Is software sold separately or is it included with the video visiting system?**
- ❑ **Are there initial programming and licensing costs?**
- ❑ **How often will the software need to be upgraded, and how much does this cost?**
- ❑ **Are there costs associated with installing and upgrading the operating system?**
- ❑ **Are there per unit licensing fees at each endpoint?**

C. Infrastructure:

- ❑ **Does new cable need to be installed?**
- ❑ **Will the building need to be modified (room modifications, partitions, visiting center, etc.)?**
- ❑ **Are there any additional costs associated with retrofitting the building? (This may depend on the contractor and the video visiting system that is selected.)**

D. Maintenance:

- ❑ **What are the ongoing system maintenance, repair, and upgrade costs?**
- ❑ **What are the ongoing monthly data line costs? Will these be paid by company, per the contract?**
- ❑ **What are the DOC IT support costs?**
- ❑ **What are the ongoing technical assistance/support costs?**

E. Costs to families and community-based partner (CBP):

- ❑ **What are the video visiting fees and associated scheduling service fees?**

2A-3: Identifying Potential Costs

- ❑ **How much will families need to pay for the home-based video visiting equipment (computer, camera, microphone, internet connection, software)?**
- ❑ **How much will the CBP need to pay to obtain, install, and maintain a video visiting system?**
- ❑ **What are the CBP staffing needs and associated costs? Will the cost be absorbed by DOC and/or the CBP?**

Notes:

2A-4: Choosing a Video Visiting System

Consider the following in determining which system is a good fit:

- ❑ **Can the system meet both your short- and long-term goals?**
- ❑ **Do you have space for the video units?**
- ❑ **Is the system standards-based?**
- ❑ **If the system is not standards-based, can it communicate with your identified endpoints?**
- ❑ **Is the system compatible with any existing computer-based or conferencing systems at your facility?**
- ❑ **How often will the system need to be updated (operating system and software updates)?**
- ❑ **How easily can the system adapt to technological changes?**
- ❑ **Can the system provide additional services (e.g. e-mail, commissary, court dates, etc.)?**
- ❑ **Is the system user-friendly?**
- ❑ **What type of orientation and/or training is available?**
- ❑ **Can you see a demonstration of the system in use to examine the video and audio quality?**
- ❑ **Does the system offer scheduling instructions and menus in multiple languages?**

Notes:

2A-5: Identifying Software Needs

Consider the following to determine which software is required and which optional software applications are a good fit:

- ❑ **What software is required (Internet Explorer, Firefox, Safari, Adobe Flash, scheduling software, monitoring software, etc.)?**
- ❑ **What operating system is required (Windows, Apple, Linux, etc.)? Is it compatible with your network?**
- ❑ **Is the software compatible with or built into the identified video visiting system?**
- ❑ **Does your IT department have the capacity to use the software?**
- ❑ **Is the software needed to achieve your goals? Can another approach be used?**
- ❑ **How often will software need to be updated?**
- ❑ **Who (corrections IT, company, automatic) will complete the software updates?**
- ❑ **Is the software user-friendly?**
- ❑ **Is the software scalable and flexible? Can it be adapted to meet your evolving needs?**
- ❑ **Can the software application share data and integrate with your existing case management system?**
- ❑ **Can the company provide a performance guarantee?**

Notes

2A-6: Accessing the Internet

Ask the following to ensure that you have the appropriate Internet connection for the video visiting system being considered:

A. Connecting to the Internet:

- ❑ **What is the minimum broadband width needed?**
- ❑ **What are the required download and upload rates?**
- ❑ **What cable is needed to connect to the network and/or Internet? Does new wiring or cable need to be installed?**
- ❑ **What data plans are available to meet your video conferencing needs?**

B. Security considerations:

- ❑ **Does the firewall need to be configured? If so, can the configuration be done internally or does the ISP provider need to configure the firewall?**
- ❑ **Does the Internet connection need to be secure per agency policy? Does the signal/data need to be encrypted?**
- ❑ **Are there security requirements that prohibit the video visiting system from connecting to the existing computer network (i.e., an exclusive Internet connection)?**
- ❑ **Does the Internet connection need to be approved by the Department of Homeland Security, the local department of information technology, or another agency?**
- ❑ **Will visits need to be monitored and if so, how will this be done?**
- ❑ **How will you ensure that privileged communication (lawyer, clergy) is confidential?**
- ❑ **Is the video visiting area private (dividers between video units, cannot see other incarcerated individuals in the background, etc.)?**

Notes:

2A-7: Developing Policies and Procedures

Consider including the following areas in developing policies and procedures:

- ❑ **Definition of video visit**
- ❑ **Location of the video visiting endpoints**
- ❑ **Visitor identification and verification protocol**
- ❑ **Visitor background check protocol**
- ❑ **Participant eligibility requirements:**
  - **Incarcerated individual: disciplinary reports, programming, order of protection, solitary confinement**
  - **Visitor: age, relation, background, etc.**
- ❑ **Specialized programming eligibility:**
  - **Target Population (parents, those preparing for reentry, quarantine, etc.)**
  - **Security Level**
  - **Case Management**
  - **Supervised? If so, by whom and for what purpose?**
- ❑ **Video visiting fees**
  - **Price point**
  - **Number of free video visits available**
  - **How visitors are charged**
- ❑ **How do incarcerated individuals and family members sign-up?**
- ❑ **What is the frequency (how many visits per week, month, etc.)?**
- ❑ **Do video visits supplement or replace in-person visits?**
- ❑ **What hours will video visiting be offered?**
- ❑ **What is the length of each video visit?**
- ❑ **What is the scheduling and cancellation policy?**
- ❑ **What is the connection protocol: How will endpoints connect? For example, will DOC contact the community-based provider or vice versa?**
- ❑ **What are the responsibilities of correctional staff (maintenance of video visiting area, monitoring video visits, etc.)?**
- ❑ **How will recorded video visits be accessed and reviewed?**
- ❑ **How will privileged communication be handled (attorney, judge, clergy)?**
- ❑ **What is the video visit termination policy?**
  - **Define inappropriate behavior and language**
  - **Explain how an inappropriate video visit will be terminated**
- ❑ **What are the security guidelines and rules for visitors and how will they be distributed?**
  - **Clothing, cell phones, language, identification**
- ❑ **What outcomes do you want to evaluate? How will you evaluate outcomes?**
  - **Pre-/post-visit surveys, visit observation, incident reports, etc.**
- ❑ **How will ongoing training for staff, incarcerated individuals, and family be provided?**

Notes:

2A-8: Video Visiting at Home or at a Community-Based Site

Consideration for video visiting from home or at a community-based site:

- ❑ **Are the remote video visits accessible and affordable?**
- ❑ **Who is responsible for the purchase and maintenance of the video visiting system in the community?**
- ❑ **What are the minimum video conferencing system requirements for the community-based or home-based system?**
- ❑ **Can the visitor or community-based partner (CBP) test the connection before visits are scheduled?**
- ❑ **How will a home-based visitor or CBP obtain technical support?**
- ❑ **How will visits be scheduled (e.g., scheduling software, company website, CBP, etc.)?**
- ❑ **Does the company's website offer instructions and scheduling menus in multiple languages?**
- ❑ **If applicable, how will video visiting fees be collected? Will the CBP require revenue sharing?**
- ❑ **Who is responsible for the monthly Internet fees at the off-site location?**
- ❑ **Will the external firewall need to be configured? If so, how will this information be conveyed?**
- ❑ **Does the CBP connection need to be approved by Homeland Security, the local department of information technology, or another agency?**
- ❑ **Is visitor identification required? If so, how will this be verified?**
- ❑ **Do visits need to be monitored at the community-based site? If so, how and by whom?**
- ❑ **What CBP staff is needed to support visitors?**
  - **Supportive services staff (parent coaching, counseling, reentry planning)**
  - **Greeter and/or visitor processing (check identification, escort to video visiting area)**

Notes:

APPENDIX 2B: IMPLEMENTATION CHECKLIST

This is a checklist of key implementation and process evaluation activities.

Needs and Resources Assessment	Yes	No	Unsure
1. You created an advisory group to engage stakeholders in the planning process	❑	❑	❑
2. You identified short-term goals	❑	❑	❑
3. You identified long-term goals	❑	❑	❑
4. You conducted a site survey of the building(s)	❑	❑	❑
5. You surveyed visitors to determine whether there is a demand, and to determine which video visiting model is most appropriate	❑	❑	❑
6. You surveyed the existing technological capacity at each facility (network, wiring, phone system, IT resources, etc.)	❑	❑	❑
7. You identified existing organizational resources that can be used for video visiting	❑	❑	❑
8. You identified the projected costs savings	❑	❑	❑

Needs and Resources Assessment	Yes	No	Unsure
9. You determined your start up and ongoing operating costs	❑	❑	❑
10. You identified a funding stream for the start up and operating costs	❑	❑	❑
11. You identified the appropriate video visiting model based on your goals and resources: facility-based, home-based, and/or community-based	❑	❑	❑
12. If applicable, you identified a community-based agency and have a memorandum of understanding or contract with this CBP	❑	❑	❑
13. If applicable, the CBP has the necessary technology, finances, and staffing	❑	❑	❑
Technology	**Yes**	**No**	**Unsure**
1. You decided what type of services you need to obtain from a technology company (web host, full service, or simply equipment acquisition)	❑	❑	❑
2. You issued an RFP to technology companies	❑	❑	❑
3. You identified the software applications that meet your needs/goals	❑	❑	❑
4. You tested the video visiting system to assess the video and audio quality	❑	❑	❑
5. You identified a video visiting system that meets your needs/goals and is appropriate for your facility	❑	❑	❑

Needs and Resources Assessment	Yes	No	Unsure
6. You agreed upon the contract terms, including revenue sharing if applicable	❑	❑	❑
7. You identified the minimum broadband width required for quality video and audio	❑	❑	❑
8. You configured the firewall at each facility	❑	❑	❑
9. You decided if the Internet connection needs to be secure and if the signal needs to be encrypted	❑	❑	❑
Installation	**Yes**	**No**	**Unsure**
1. You identified where the video units will be placed and you have addressed privacy issues	❑	❑	❑
2. You tested the camera angle, audio, and lighting at all endpoints	❑	❑	❑
3. You conducted a connectivity pre-test at each endpoint	❑	❑	❑
4. You created a child-friendly environment at the endpoints	❑	❑	❑
Launching Video Visiting	**Yes**	**No**	**Unsure**
1. You created policies and procedures for video visiting	❑	❑	❑
2. You decided how video visiting will be phased in (pilot, staggered, etc.)	❑	❑	❑
3. You created a communications plan	❑	❑	❑

Needs and Resources Assessment	Yes	No	Unsure
4. You decided whether you will use video visits as a supplement or a replacement for in-person visiting	❑	❑	❑
5. If applicable, you identified a feasible price point for video visits	❑	❑	❑
6. You decided how many free visits will be offered	❑	❑	❑
7. You identified your staffing needs (IT personnel, monitoring, escort, technical assistance, supportive services, etc.)	❑	❑	❑
8. You have a plan to train staff, incarcerated individuals, and visitors on how to use the technology	❑	❑	❑
9. You have a plan to provide ongoing technical assistance to staff, incarcerated individuals, and visitors	❑	❑	❑
10. You determined how video visits will be scheduled	❑	❑	❑
11. You determined how visits are monitored	❑	❑	❑
12. You determined how visitors will be approved	❑	❑	❑
13. You determined how visitors' identification will be verified	❑	❑	❑
Evaluation and Monitoring	**Yes**	**No**	**Unsure**
1. You determined how you will measure volume and utilization rates	❑	❑	❑
2. You identified ways to measure whether video visiting is meeting your goals	❑	❑	❑
3. You created a feedback mechanism to measure consumer satisfaction	❑	❑	❑

Needs and Resources Assessment	Yes	No	Unsure
4. You identified outcomes that you want to monitor (e.g., institutional adjustment, strengthening parent-child relationships, engagement of family in reentry planning)	❑	❑	❑
5. You identified how you will measure success in achieving your stated outcomes	❑	❑	❑

SAMPLE VIDEO VISITING SERVICE LOG

(intended to plan video visits daily/weekly)

Date	Name of Incarcerated Person	Relationship of Visitor	Scheduled Start Time	Actual Start Time	End Time	Duration in minutes	Did incarcerated individual receive visit counseling?	If visit did not occur, who cancelled	If visit did not occur, reason for cancellation
1/1/14	John Doe	Daughter	1:00pm	1:10pm	2:10pm	60	☐Y ☐N NA☐		
1/1/14	Test Rodriguez	Wife	1:30pm	NA	NA	0	☐Y ☐N ☐NA	Visitor	Transportation issue
1/1/14	Joseph Sample	Son	2:00pm	2:30	3:00	30	☐Y☐N ☐NA		
1/1/14	Gary Example	Friend	3:00	NA	NA	0	☐Y ☐N ☐NA	Facility	Lock down

Sample Performance Management Chart

(intended to track program activity against targets)

Activity for Month_____ Year_____

Activity	Annual Target	Activity for Current Month	Total Year to Date	% of Annual Target Achieved
Scheduled video visits	1,200	110	650	50%
Completed video visits	960	80	480	50%
Cancelled video visits	NA	30	170	NA
By visitor	NA	15	100	NA
By facility	NA	8	40	NA
By community partner	NA	7	30	NA
Visits cut short	NA	10	50	NA
Unduplicated incarcerated individuals participating in visit	1,000	75	450	45%
Visit counseling sessions with incarcerated individual	775	60	360	47%

Sample Data Collection Plan

Outcome	Indicator	Data Source	Collected by	Frequency	Results reviewed by	Frequency
Increased frequency of visits	# of visits	Video visiting service logs	Correctional Officers	Daily	Video visiting team	Monthly
(same as above)	# of visits	Participant survey	Evaluation intern	Daily	Video visiting team	Quarterly
Improved quality of visits	Self-report by incarcerated participants	Participant survey	Evaluation intern	Daily	Video visiting team	Quarterly
(same as above)	Observation of visits	Observation check-list	Evaluation consultant	One day per month	Video visiting team	Quarterly
Reduction in contraband	# of seizures of contraband	Administrative report	Correctional Officers	Weekly	Superintendent & Video visiting team	Monthly
Reduction in staff time for visits	# of hours of staff time	Payroll reports	HR Department	Bi-monthly	Superintendent & Video visiting team	Quarterly

SAMPLE FEASIBILITY SURVEY FROM THE FLORIDA DEPARTMENT OF CORRECTIONS

(intended to be used with adults who make in-person visits to correctional facilities)

Source: Florida Department of Corrections

Inmate Video Visitation Survey

Office of Institutions

PURPOSE

The Florida Department of Corrections is researching the feasibility of using home-based video visitation to *supplement* contact visitation. The Department is **NOT** planning to eliminate or reduce contact visitation but actually increase the opportunities for inmates to maintain positive contact with their friends and loved ones.

1. How many days a month do you visit?
   - 1-2 days
   - 3-4 days
   - 5-6 days
   - 7-8 days
2. How far did you travel one way for this visit?
   - Less than 50 miles
   - 50-100 miles
   - 100-150 miles
   - 150-200 miles
   - Over 200 miles
3. Did you have to rent a hotel room?
   - Yes
   - No
4. Do you own a computer?
   - Yes
   - No
5. Do you have a high-speed internet connection at home?
   - Yes
   - No
6. Do you have access to a computer with a high-speed internet connection?
   - Yes
   - No
7. Would you be interested, in addition to contact visits, to being able to visit via video visitation from a computer with a high-speed internet connection?
   - Yes
   - No
8. Would you be willing to pay $15 for a 10-minute video visitation – $1.50 per minute?
   - Yes
   - No
9. Would you be willing to pay $20 for a 15-minute video visitation – $1.33 per minute?
   - Yes
   - No
10. Would you be willing to pay $25 for a 20-minute video visitation – $1.25 per minute?
    - Yes
    - No

Thank you for taking the time to complete this survey, you answers will provide the Department a better idea of the interest in such a service and its value to inmates and their families. You can also find a link to complete this survey online at http://www.dc.state.fl.us/ and http://www.surveymonkey.com/s/VideoVisitation, however please only complete either this hard copy survey or the online survey and not both.

1

Sample Video Visiting Satisfaction Survey for Incarcerated Adults

- Thank you for taking the time to give us some feedback about the video visiting program.
- There are no right or wrong answers to these questions. Please be honest and open in your responses.
- We are collecting these answers anonymously; staff will not know your responses.

Date of your video visit:_____

Was this the first time you participated in a video visit? ☐ Yes ☐ No

1. Please indicate the extent you are satisfied with the following items:

Please check only one box in each row.	Not at all satisfied	Not very satisfied	Somewhat satisfied	Very satisfied	Did not use service
a. Ease of scheduling a video visit					
b. Quality of sound and video connection					
c. Comfort of video visit location					
d. Privacy of video visit location					
e. Satisfaction with video visit as compared to in-person visit					
f. Support provided in visit counseling					
g. OVERALL, **how satisfied were you with your video visit?**					

2. Please indicate the extent to which you agree or disagree with the following statements:

Please check only one box in each row.	Disagree a lot	Disagree a little	Agree a little	Agree a lot
a. I would recommend video visiting to other people who are incarcerated.				
b. I plan to do another video visit in the future.				

Sample Video Visiting Satisfaction Survey for Incarcerated Adults (Continued)

3. Do you feel that your relationship with your visitors can be maintained through video visits, without in-person visits? ☐ Yes ☐ No

   Comments: _____

   _____

   _____

4. Please tell us what you liked **BEST** about your video visiting experience.

   _____

   _____

   _____

5. Please tell us what you would change about video visiting at this facility that would make it **BETTER**.

   _____

   _____

   _____

6. Is there anything else about your video visiting experience that you would like to say?

   _____

   _____

   _____

THANK YOU! Your feedback is very important to us.

Sample Satisfaction Survey For Adults in the Community

(For use with adults in the community who participated in a video visit)

- Thank you for taking the time to give us some feedback about the video visiting program.
- There are no right or wrong answers to these questions. Please be honest and open in your responses.
- We are collecting these answers anonymously.

Date of your video visit:_____

1. Was this the first time you participated in a video visit? Yes ____ No _____

2. Where were you for this video visit?

   - ❑ At the correctional facility
   - ❑ At home
   - ❑ At a community organization
   - ❑ Somewhere else: _____

3. Please indicate the extent to which you are satisfied with the following items:

Please check only one box in each row.	Not at all satisfied	Not very satisfied	Somewhat satisfied	Very satisfied	Did not use service
a) Ease of scheduling a video visit					
b) Instructions on how to use the video visiting equipment					
c) Quality of sound and video connection					
d) Comfort of video visit location					
e) Privacy of video visit location					
f) Convenience of video visit location					
g) Satisfaction with video visit as compared to in-person visit					
h) Support provided through visit counseling					
i) Experience with online payment system					
j) OVERALL, how satisfied were you with your video visit?					

SAMPLE SATISFACTION SURVEY FOR ADULTS IN THE COMMUNITY (CONTINUED)

4. Did any children participate in the video visit with you? Yes No
   If yes, did you find the video visits to be child friendly? Yes No

   Why or why not:_____

   _____

5. Please indicate to the extent in which you agree or disagree with the following statements:

Please check only one box in each row.	Strongly Disagree	Disagree	Agree	Strongly Agree
a) I would recommend video visiting to other people who want to visit with someone who is incarcerated.				
b) I plan to do another video visit in the future.				

6. What would make you more likely to participate in more video visits? (check all that apply)

   - ❑ Lower cost per video visit
   - ❑ More convenient location
   - ❑ More flexible scheduling
   - ❑ Other: _____

7. Please tell us what you liked **BEST** about your video visiting experience.

   _____

   _____

8. Please tell us what you would change about video visiting that would make it **BETTER**.

   _____

   _____

   _____

9. Is there anything else about your video visiting experience that you would like to say?

   _____

   _____

THANK YOU! Your feedback is very important to us.

SAMPLE SATISFACTION SURVEY FOR STAFF

(For use with correctional staff)

Date: _____

Please list the facility where you work: _____

1. Please indicated to the extend in which you agree or disagree with the following statements:

Please check only one box in each row.	Strongly Disagree	Disagree	Agree	Strongly Agree
a. The video visiting equipment is operating well.				
b. The video visit location is adequate for the services being provided.				
c. Video visiting has been a valuable service for inmates and their visitors.				
d. I am satisfied with the training provided to staff on how to use the equipment.				
e. I would recommend video visiting to other facilities that are considering implementing it.				

2. What impact do you think video visiting has had on security at the facility?

   - ❑ Improved security
   - ❑ Weakened security
   - ❑ No Impact

   Comments:_____

   _____

3. What impact do you think video visiting has had on program participation by inmates?

   - ❑ Increased participation
   - ❑ Decreased participation
   - ❑ No change

   Comments: _____

   _____

SAMPLE SATISFACTION SURVEY FOR STAFF (CONTINUED)

4. What impact do you think video visiting has had on the number of events resulting in disciplinary actions?

   - ❑ Increased disciplinary actions
   - ❑ Decreased disciplinary actions
   - ❑ No change

   Comments: _____

   _____

5. What impact do you think video visiting has had on the time you dedicate to visiting tasks?

   - ❑ Saved time
   - ❑ Required more time
   - ❑ No difference on time

   Comments: _____

   _____

6. What impact do you think video visiting has had on inmates' behavior?

   - ❑ Improved behavior
   - ❑ Behavior is worse
   - ❑ No change in behavior

7. Is there any additional training that you think would be helpful to staff implementing the program?

   - ❑ No
   - ❑ Yes (please explain):_____

   _____

   _____

8. What has been the biggest challenge in implementing video visiting services?

   _____

   _____

   _____

SAMPLE SATISFACTION SURVEY FOR STAFF (CONTINUED)

9. Please tell us what you think is the **BEST** aspect of video visiting services:

   _____

   _____

10. Please tell us what you think would make video visiting **BETTER** at the facility:

   _____

   _____

   _____

11. Is there anything else about video visiting services that you would like to say?

   _____

   _____

   _____

THANK YOU! Your feedback is very important to us.

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SCREENING OUT FAMILY TIME

THE FOR-PROFIT VIDEO VISITATION INDUSTRY IN PRISONS AND JAILS

by Bernadette Rabuy and Peter Wagner

January 2015

PRISON POLICY INITIATIVE

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We dedicate this report to the people of Dallas County, Texas, who showed that it is possible to stand up to a video visitation giant and reject a contract that would have banned in-person visitation.

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ABOUT THE PRISON POLICY INITIATIVE

The non-profit, non-partisan Prison Policy Initiative was founded in 2001 to challenge over-criminalization and mass incarceration through research, advocacy, and organizing. We show how the United States' excessive and unequal use of punishment and institutional control harms individuals and undermines our communities and national well-being. The Easthampton, Massachusetts-based organization is most famous for its work documenting how mass incarceration skews our democracy and how the prison and jail telephone industry punishes the families of incarcerated people. The organization's groundbreaking reports and its work with SumOfUs to collect 60,000 petitions for the Federal Communications Commission have been repeatedly cited in the FCC's orders.

FOR MORE INFORMATION

For more information, including additional copies of this report and up-to-date information about fair telephone rates and fair visitation policies for families of the incarcerated, see http://www.prisonpolicy.org/visitation/

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SCREENING OUT FAMILY TIME:

The for-profit video visitation industry in prisons and jails

A Prison Policy Initiative report

Executive Summary

Video technology like Skype or FaceTime can be a great way to stay together for people who are far apart. It is not the same as being there in person, but it is better than a phone call or sending a letter.

Given that there are 2.2 million people who are incarcerated, often many hundreds of miles from their homes, it should be no surprise that prison and jail video visitation is quietly sweeping the nation.

But video visitation is not like Skype or FaceTime. For one, these well-known technologies are a high-quality, free supplement to time spent together, in-person. The video visitation that is sweeping through U.S. jails is almost the exact opposite.

In order to stimulate demand for their low-quality product, jails and video visitation companies work together to shut down the traditional in-person visitation rooms and instead require families to pay up to $1.50 per minute for visits via computer screen.

In this report, we collect the contracts and the experiences of the facilities, the families, and the companies. We:

- Determine how this industry works, and explain the key differences between video visitation in jails (where it is most common and most commonly implemented in explicitly exploitative ways) and video visitation in prisons (where there is a proven need for the service and where prices are more reasonable yet the service is actually pretty rare).
- Hold the industry's fantastic promises up against the hard evidence of experience, including the industry's own commission reports.
- Give hard data showing just how unpopular this service is. We analyze the usage data, and then walk through exactly why families consider this unreliable and poorly designed technology a serious step backwards.
- Identify the patterns behind the worst practices in this industry, finding that the most harmful practices are concentrated in facilities that contract with particular companies.
- Analyze why the authors of correctional best practices have already condemned the industry's preferred approach to video visitation.
- Review the unanimous opposition of major editorial boards to business models that try to profit off the backs of poor families, when we should be rewarding families for trying to stay together.
- Identify how video visitation could be implemented in a more family-friendly way and highlight two small companies who have taken some of these steps.

Finally, we make 23 recommendations for federal and state regulators, legislators, correctional facilities, and the video visitation companies on how they could ensure that video visitation brings families together and makes our communities stronger instead of weaker.

" We hold the industry's fantastic promises up against the hard evidence of experience.

SCREENING OUT FAMILY TIME:
The for-profit video visitation industry in prisons and jails

Executive Summary.....i

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Introduction

Every Thursday, Lisa* logs on to her computer and spends $10 to chat for half an hour via video with her sister who is incarcerated in another state. Before the Federal Communications Commission capped the cost of interstate calls from prisons, these video chats were even cheaper than the telephone. Lisa's experience is representative of the *promise* of video visitation.

Meanwhile, Mary* flies across the country to visit her brother who is being held in a Texas jail. She drives her rental car to the jail but rather than visit her brother in-person or through-the-glass, she is only allowed to speak with him for 20 minutes through a computer screen.

Elsewhere, Bernadette spends hours trying to schedule an offsite video visit with a person incarcerated in a Washington state prison. After four calls to JPay and one call to her credit card company, she is finally able to schedule a visit. Yet, when it is time for the visit, she waits for 30 minutes to no avail. The incarcerated person did not find out about the visit until the scheduled time had passed. The visit never happens.

How do video visitations work? While video visitation systems vary, the process typically works like this:

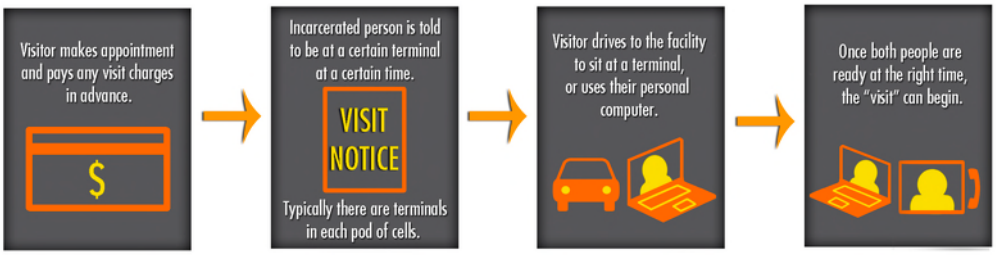

Figure 1. *Most companies, including Securus, Telmate, and Renovo/Global Tel*Link, charge for a set amount of time and require pre-scheduled appointments.*

Reviewing the promises and drawbacks of video visitation

Increasing the options that incarcerated people and their families have to stay in touch benefits incarcerated individuals, their families, and society at large. Family contact is one of the surest ways to reduce the likelihood that an individual will re-offend after release, the technical term

*Family members' names have been changed throughout the report.

for which is "recidivism."[1] A rigorous study by the Minnesota Department of Corrections found that even a single visit reduced recidivism by 13% for new crimes and 25% for technical violations.[2] More contact between incarcerated people and their loved ones — whether in-person, by phone, by correspondence, or via video visitation — is clearly better for individuals, better for society, and even better for the facilities. As one Indiana prison official told a major correctional news service: "When they (prisoners) have that contact with the outside family they actually behave better here at the facility."[3]

> " When they (prisoners) have that contact with the outside family they actually behave better here at the facility.
> — Richard Brown, assistant superintendent, Rockville Correctional Facility, Indiana.

Without a doubt, video visitation has some benefits:

- Most prisons and some jails are located far away from incarcerated people's home communities and loved ones.[4]
- Prisons and jails sometimes have restrictive visitation hours and policies that can prevent working individuals, school-age children, the elderly, and people with disabilities from visiting.
- It can be less disruptive for children to visit from a more familiar setting like home.
- It may be easier for facilities to eliminate the need to move incarcerated people from their cells to central visitation rooms.
- It is not possible to transmit contraband via computer screen.[5]

But video visitation also has some serious drawbacks:

- Visiting someone via a computer screen is not the same as visiting someone in-person. Onsite video visitation is even less intimate and

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[1] In criminal justice expert Joan Petersilia's book, *When Prisoners Come Home*, Petersilia says, "*Every* known study that has been able to directly examine the relationship between a prisoner's legitimate community ties and recidivism has found that feelings of being welcome at home and the strength of impersonal ties outside prison help predict postprison adjustment." Joan Petersilia, *When Prisoners Come Home* (New York, NY: Oxford University Press, 2006), p 246. Milwaukee County Sheriff David A. Clarke Jr. has said that a functioning video visitation system is important "because caring attachment matters in human interactions." Steve Schultze, "County jail visitations limited to audio only after system breaks down," *Journal Sentinel*, January 23, 2014. Accessed on January 6, 2015 from: http://www.jsonline.com/news/milwaukee/county-jail-visitations-limited-to-audio-only-after-system-breaks-down-b99190707z1-241732571.html.

[2] Minnesota Department of Corrections, *The Effects of Prison Visitation on Offender Recidivism* (St. Paul, MN: Minnesota Department of Corrections, November 2011), p 27. Accessed on December 3, 2014 from: http://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPrisonVisitationStudy.pdf.

[3] Quote from Richard Brown, Rockville Correctional Facility's assistant superintendent, in Jessica Gresko, "Families visit prison from comfort of their homes," *CorrectionsOne*, July 2, 2009. Accessed on October 22, 2014 from: http://www.correctionsone.com/products/corrections/articles/1852337-Families-visit-prison-from-comfort-of-their-homes/.

[4] Chesa Boudin, Trevor Stutz, and Aaron Littman, "Prison Visitation Policies: A Fifty State Survey" *Yale Law & Policy Review* Vol 32:149 (March 2014), 149-189.

[5] On the other hand, it is also not possible to transmit contraband through the glass partition typically used in county jails either.

personal than through-the-glass visits, which families already find less preferable to contact visits.

- In jails, the implementation of video visitation often means the end of traditional, through-the-glass visitation in order to drive people to use paid, remote video visitation.
- Video visitation can be expensive, and the families of incarcerated people are some of the poorest families in the country.[6]
- The people most likely to use prison and jail video visitation services are also the least likely to have access to a computer with a webcam and the necessary bandwidth.[7]
- The technology is poorly designed and implemented. It is clear that video visitation industry leaders have not been listening to their customers and have not responded to consistent complaints about camera placement, the way that seating is bolted into the ground, the placement of video visitation terminals in pods of cells, etc.
- Technological glitches can be even more challenging for lawyers and other non-family advocates that need to build trust with incarcerated people in order to assist with personal and legal affairs.

The industry and correctional facilities have largely focused on the promised benefits of video visitation, but reform advocates have long expressed their concerns. We found an article by a person incarcerated in Colorado all the way back in 2008 that nicely summarized both the promise and fear represented by video visitation:

"If video visits are an addition [to in-person visits] they will be a help to all and a God-send to many. But, if video visits are a replacement

> " But if video visits are a replacement…their implementation would be a painful, unwelcome change that would be impersonal and dehumanizing.
>
> — Claire Beazer predicting the harm of video visitation as a replacement to in-person visits in 2008

[6] 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. Bruce Western found that about a third of incarcerated individuals were not working when they were admitted to prison or jail. Bruce Western, "Chapter 4: Invisible Inequality," in *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006), p 85-107. Tom Miriam from Global Tel*Link explained to Dallas County Commissioners why Securus's video visitation usage projections are unreasonably high, saying, "This demographic doesn't have high-speed internet and credit cards." The County of Dallas, "Dallas County Commissioners Court," The County of Dallas Website, September 9, 2014. Accessed on January 6, 2015 from: http://dctx.siretechnologies.com/sirepub/mtgviewer.aspx?meetid=177&doctype=AGENDA.

[7] According to a recent Census Bureau report, among households with income less than $25,000, 62% have a computer but only 47% have high-speed internet. Thom File and Camille Ryan, *Computer and Internet Use in the United States: 2013* (Washington, D.C.: United States Census Bureau, November 2014), p 3. Accessed on November 2014 from: http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf?eml=gd&utm_medium=email&utm_source=govdelivery.

for the current visitation, their implementation would be a painful unwelcome change that would be impersonal and dehumanizing."[8]

Video visitation reaches critical mass in 2014

Currently, more than 500 facilities in 43 states and the District of Columbia are experimenting with video visitation.[9] Much of this growth has occurred in the last two to three years as prison and jail telephone companies have started to bundle video visitation into phone contracts. While there is not a detailed history of the industry's growth, most sources trace the inception of the industry back to the 1990s.[10]

Now, in 2014, video visitation is ironically the least prevalent in state prisons, where it would be the most useful given the remote locations of such facilities, and the most common in county jails where the potential benefits are fewer. In contrast, jails typically implement video visitation in an unnecessarily punitive way. The differences between how prisons and jails approach video visitation are stark; Figure 2 summarizes our findings.

In the state prison context, the primary challenge to encouraging in-person visitation is distance, as many incarcerated people are imprisoned more than 100 miles away from their home communities and are

VIDEO VISITATION AND VIDEO PHONES: WHAT IS THE DIFFERENCE?

Video phones are an assistive technology for the deaf, designed for two deaf people to communicate via sign language or for one deaf person to communicate via sign language to an interpreter who then communicates with the person on the other end. It can be a special standalone device, or installed as software on a computer. Although to lay people the technology looks similar to video visitation, it is different and outside the scope of this report. For more on video phones in prisons and jails, and why facilities are required to provide communications access to deaf people in their custody, see Talila A. Lewis's (Founder & President, Helping Educate to Advance the Rights of the Deaf) March 25, 2013 comment to the Federal Communications Commission: http://apps.fcc.gov/ecfs/document/view?id=7022134808

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[8] Clair Beazer, "Video Visitation," The Real Cost of Prisons Project, March 25, 2008. Accessed on October 11, 2014 from: http://realcostofprisons.org/writing/beazer_video.html.

[9] We identified the facilities with video visitation by reviewing the companies' websites, hundreds of news articles, and interviews with facilities and companies. For the list, see Exhibit 1.

[10] In Professor Patrice A. Fulcher's analysis of video visitation, Fulcher talks about the lack of centralized data. Patrice Fulcher, "The Double Edged Sword of Prison Video Visitation: Claiming to Keep Families Together While Furthering the Aims of the Prison Industrial Complex" *Florida A&M University Law Review* Vol 9:1:83 (April 2014), 83-112. A *New York Times* article states that there were hundreds of jails in at least 20 states using or planning to adopt video visitation systems at that time. Adeshina Emmanuel, "In-Person Visits Fade as Jails Set Up Video Units for Inmates and Families," *The New York Times*, August 7, 2012. Accessed on December 1, 2014 from: http://www.nytimes.com/2012/08/07/us/some-criticize-jails-as-they-move-to-video-visits.html?pagewanted=all&_r=0. Other excellent pieces on video visitation have been done by The Sentencing Project and The University of Vermont: Susan D. Phillips, Ph.D., *Video Visits for Children Whose Parents Are Incarcerated: In Whose Best Interest?* (Washington, D.C.: The Sentencing Project, October 2012). Accessed on October 11, 2014 from: http://sentencingproject.org/doc/publications/cc_Video_Visitation_White_Paper.pdf. and Patrick Doyle et. al., *Prison Video Conferencing* (Burlington, VT: The University of Vermont James M. Jeffords Center's Vermont Legislative Research Service, May 15, 2011). Accessed on December 2014 from: https://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf.

	COUNTY JAILS			STATE PRISONS		
	Onsite	Regional visitation centers	Visit from home	Onsite	Regional visitation centers	Visit from home
Prevalence of video visitation type?	Common	Very rare.	Common	Never, with one exception.	Sometimes	Common
Cost?	Free, at least for the first few visits a week.	Free, at least for the first few visits a week.	$	n/a	$	$
Does this require family members to travel long-distances?	Depends on the size of the county.	No	No	n/a	Not usually.	No
Operated by:	Private company, or the facility	Facility	Private company	n/a	State/non-profit partnerships	Private company
Prior to installation of video visitation, how are visits typically conducted?	In-person, through a glass barrier.			In-person, generally without a glass barrier.		
After installation of video visitation, is in-person visitation typically abolished?	Yes			n/a	No	No

Figure 2. *How video visitation works by facility type and visitation method. Source: Our review of the companies' websites, hundreds of news articles, a quarter of the industry's contracts with individual facilities, and our interviews with facilities and companies.*

sometimes even imprisoned in a different state.[11] Most of the state prisons that use video visitation currently do so only in small experimental programs or as a part of a larger contract for electronic payment processing systems and email. Many of these experimental programs focus on special populations or special purposes.[12] For example, New Mexico

[11] Boudin, Stutz, and Littman, 2014, p 179. A report by Grassroots Leadership found that four states collectively send more than 10,000 prisoners to out-of-state private prisons. For the report, see: Holly Kirby, *Locked Up & Shipped Away: Paying the Price for Vermont's Response to Prison Overcrowding* (Austin, TX: Grassroots Leadership, December 2014). Accessed on January 9, 2015 from: http://grassrootsleadership.org/sites/default/files/reports/locked_up_shipped_away_vt_web.pdf.

[12] State prison programs that are operated on a small scale and are specifically for incarcerated parents include Florida's Reading and Family Ties program, New Mexico's Therapeutic Family Visitation Program, and New York's program with the Osborne Association. According to Boudin, Stutz, and Littman, 2014, p 171, the following are other states using video visitation in a limited scope: Alaska, Colorado, Georgia, Idaho, Kansas, Louisiana, New Jersey, and Ohio.

has a special program for 25 incarcerated mothers,[13] and a number of other states use video systems for court and parole hearings.[14] Other states like Virginia and Pennsylvania have regional video visitation centers that families can use, thereby reducing the distance that families must travel.[15]

Five states have large video visitation programs that are bundled with another service. Four states — Georgia, Indiana, Ohio, and Washington — contract with the company JPay, and another industry player Telmate runs a video visitation system along with phone services in Oregon. In all of these cases, prisons use video visitation very differently than jails do. Given that prisons hold people convicted of more serious crimes, one might expect that if any facility were going to ban contact visits and require visitation via onsite video terminals, it would be state prisons. However, state prisons understand that family contact is crucial for reducing recidivism, and burdening individuals with extensive travel only to visit an incarcerated loved one by video screen is particularly counterproductive. As Illinois Department of Corrections Spokesman Tom Shaer explained to the *St. Louis Post-Dispatch*, the state had no plans to eliminate in-person visits: "I can't imagine the scenario in which someone would travel to a prison and then wish to communicate through a video screen rather than see a prisoner face-to-face."[16]

In contrast, county jails confine people who are generally not far from home, and the majority are presumed innocent while they attempt to pay bail or await trial. The 40% of people in jail who have been convicted[17] are generally serving a relatively short sentence for misdemeanor crimes. Despite the fact that jails should be particularly conducive to in-person visits, most jails have replaced contact visits with through-the-glass visits. And when jails implement video visitation, they typically replace through-the-glass visiting booths with a combination of onsite and remote paid video visitation.

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[13] See Exhibit 2: New Mexico Corrections Department Contract with PB&J Family Services.

[14] The states that use video conferencing for hearings include: Michigan, Minnesota, and New Jersey.

[15] We are using the term "regional video visitation center" to describe situations where the state has made an effort to bring visitation to the visitors. For example, we consider having special places throughout the state or using a mobile van (Pinellas County, Florida) to be regional visitation centers, but we would not consider Maricopa County's decision to make onsite video visitation terminals available at two of the county's six jails to be regional visitation.

[16] Paul Hampel, "Video visits at St. Clair County Jail get mixed reviews," *St. Louis Post-Dispatch*, February 20, 2014. Accessed on December 22, 2014 from: http://www.stltoday.com/news/local/crime-and-courts/video-visits-at-st-clair-county-jail-get-mixed-reviews/article_b46594b0-9f01-5987-abf0-83152f76c9dd.html.

[17] According to *Mass Incarceration: The Whole Pie*, of the 722,000 people in local jails, almost 300,000 are serving time for minor offenses. See Peter Wagner and Leah Sakala, *Mass Incarceration: The Whole Pie* (Easthampton, MA: Prison Policy Initiative, March 12, 2014). Accessed on December 2014 from: http://www.prisonpolicy.org/reports/pie.html.

Why families are unhappy with the state of the video visitation industry

Most families — the end-users of video visitation — are deeply unhappy with the combination of video visitation's poor quality, the cost of visitation, and the fact that jails often force the service on them. Some of the specific problems that families frequently cite are without a doubt fixable. Others are the inevitable result of the failed market structure: the companies consider the facilities — not the families paying the bills — as their customers. The primary complaint is apparent: video visits are not the same as in-person visits and are much less preferable to contact visits or through-the-glass visits.

Sheriffs typically defend the transition from in-person, through-the-glass visits to video visits as being insignificant[18] because both involve shatterproof glass and talking on a phone. To the families, however, replacing the real living person on the other side of the glass with a grainy computer image is a step too far.

A. Video visits are not equivalent to in-person visits

It is more difficult for families to ensure or evaluate the wellbeing of their incarcerated loved ones via video than in-person or through-the-glass. Families struggle to clearly see the incarcerated person with video visits and instead face a pixelated or sometimes frozen *image* of the incarcerated person. The poor quality of the visits only increases family members' anxiety. For example, a mother interviewed by the *Chicago Tribune* described her unease at seeing her son's arm in a sling during a video visit, and how she would have felt more assured about his health and safety if she could have seen him properly in a traditional visit.[19] The physical elements that still remained in through-the-glass visits are now gone. As Kymberlie Quong Charles of advocacy group Grassroots Leadership told the *Austin Chronicle*, "Even through Plexiglass, it allows you to see the color of [an inmate's skin], or other physical things with

[18] As Sheriff Dotson of Lincoln County told *The Oregonian*, "There's not much of a difference [between video and through-the-glass visitation] — shatterproof glass divides the visitor from the inmate at the jail and they talk by phone." Maxine Bernstein, "Video visitation coming soon to Multnomah County jails," *The Oregonian*, October 3, 2013. Accessed on October 27, 2014 from: http://www.oregonlive.com/portland/index.ssf/2013/10/video_visits_coming_soon_to_mu.html. The second-in-command at the Knox County, Tennessee detention center, Terry Wilshire, has also said that video visitation is almost the same as in-person, through-the-glass visits: "It's a standing booth, it's cold, it's got that big glass there —there's no more contact with a child there [than with a video]." Cari Wade Gervin, "Orange Is the New Green: Is Knox County's New Video-Only Visitation Policy for Inmates Really About Safety—or Is it About Money?," *Metro Pulse*, July 2, 2014. Accessed on September 2014 from: http://www.metropulse.com/news/2014/jul/02/orange-new-green-knox-countys-new-video-only-visit/.

[19] Robert McCoppin, "Video visits at Illinois jails praised as efficient, criticized as impersonal," *Chicago Tribune*, January 12, 2014. Accessed on October 6, 2014 from: http://articles.chicagotribune.com/2014-01-12/news/ct-jail-video-visits-met-20140112_1_inmates-and-visitors-video-visitation-john-howard-association.

ATTORNEYS SAY: VIDEO VISITATION IS NOT THE SAME AS IN-PERSON VISITS

Families are not the only ones who are frustrated with video visitation. New Orleans lawyer, Elizabeth Cumming, is forthright: "Video visitation is not an acceptable substitute for in-person visitation."[92] In fact, this point of disagreement between facilities and attorneys has brought about lawsuits in Travis County, Texas and Orleans Parish, Louisiana. New Orleans attorneys are concerned about the lack of privacy and the technological glitches that prevent them from building rapport with their clients.[93] As a result, attorneys are "avoiding the use of video visitation facilities"[94] and seeking court intervention to obtain "private and constitutional attorney-client visitation conditions at the Orleans Parish Prison."[95]

In Travis County, Texas, criminal defense attorneys have sued Securus, the sheriff, and other county officials claiming video visitation has been used to violate the constitutional rights of Travis County defendants. The attorneys say that the sheriff's department "[does] record confidential attorney-client communications" and even discloses "those recorded conversations to prosecutors in the Travis County and District Attorneys' Offices."[96] Video visitation was meant to be convenient for all involved, but these concerns leave sheriffs and facilities needing to make separate visitation accommodations for these attorneys.

[92] For Motion No. 2011-10638 in the Civil District Court for the Parish of Orleans State of Louisiana, see Exhibit 28, specifically page 52.

[93] See page 5 of the Orleans Parish motion in Exhibit 28.

[94] See page 52 of the Orleans Parish motion in Exhibit 28.

[95] See page 1 of the Orleans Parish motion in Exhibit 28.

[96] See page 4 of the Travis County criminal defense lawyers' amended class action complaint in Exhibit 17.

their bodies. It's an accountability thing, and lets people on the outside get some read on the physical condition of a loved one."[20]

Figure 3. *Visual acuity is important for human communication.*

Second, companies and facilities set up video visitation without any regard for privacy. Video visitation is popular among jails because by placing the video visitation terminals in pods of cells or day rooms, there is no longer a need to transport incarcerated people to a central visitation room. Yet, the lack of privacy can completely change the dynamic of a visit. As an Illinois mother whose son is incarcerated in the St. Clair County Jail, Illinois explained, "I want to get a good look at him, to tell him to stand up and turn around so I can see that he's getting enough to eat and that he hasn't been hurt. Instead, I have to see his cellmates marching around behind him in their underwear."[21] In the D.C. jail, Ciara Jackson had a scheduled video visit with her partner canceled when a fight suddenly broke out. Jackson was upset that their "[5-year-old daughter] daughter could see the melee in the background" and told *The Washington Post*, "Before, in the jail, you were closer and had more privacy. This, I don't know. This just doesn't seem right."[22] Federal public defender Tom Gabel told the *St. Louis Post-Dispatch* that his clients are equally dissatisfied: "They want to actually see the people who come to visit them, not look at them on a computer screen from a crowded pod…It's just one more thing prisoners find impersonal at the jail."[23]

Further, video visits can be disorienting because the companies set the systems up in a manner that is very different from in-person, human communication. Since the video visitation terminals were designed and set up with the camera a couple of inches above the monitor, the loved one on the outside will never be looking into the incarcerated person's eyes. Families have repeatedly complained that the lack of eye contact makes visits feel impersonal.

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[20] Chase Hoffberger, "Through a Glass, Darkly," *The Austin Chronicle*, November 7, 2014. Accessed on November 8, 2014 from: http://www.austinchronicle.com/news/2014-11-07/through-a-glass-darkly/.

[21] Hampel, 2014.

[22] Peter Hermann, "Visiting a detainee in the D.C. jail now done by video," *The Washington Post*, July 28, 2012. Accessed on November 10, 2014 from: http://www.washingtonpost.com/local/crime/visiting-a-detainee-in-the-dc-jail-now-done-by-video/2012/07/28/gJQAcf1TGX_story.html.

[23] Hampel, 2014.

Figure 4. *This image is from a video demonstrating that eye contact is important for human communication. (For the video, see http://www.prisonpolicy.org/visitation/report.html)*

Video visitation can add to the already significant trauma that children of incarcerated parents face, especially for young children who are unfamiliar with the video technology. Dee Ann Newell, a developmental psychologist who has been working with incarcerated children for 30 years, has witnessed traumatic reactions to video visitation from young children as well as from some of the older ones.[24] Cierra Rice, whose partner is incarcerated in King County Jail, Washington told *The Seattle Times* that she does not bring her 18-month-old to video visits at the jail because he gets fidgety in the video visitation terminal and does not understand why he cannot hug his father.[25]

Notably, the San Francisco Children of Incarcerated Parents Bill of Rights demands greater protections of family-friendly visitation: "'Window visits', in which visitors are separated from prisoners by glass and converse by telephone, are not appropriate for small children."[26] If through-the-glass visits fall short for children, video visits are even more unacceptable.

B. Video visitation is not ready for prime time

Despite the commonly-made comparison, video visitation technology is not as reliable as widely-used video services such as Skype or FaceTime,

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[24] Dee Ann Newell told the Prison Policy Initiative that she once had to take a child to the ER due to a traumatic video visit. For another example, see this video testimony of a grandmother from the January 21, 2014 Travis County Commissioners Court at 1:24:30: Travis County, "Travis County Commissioners Court Voting Session," Travis County Website, January 21, 2014. Accessed on December 2014 from: http://traviscountytx.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1387.

[25] Jennifer Sullivan, "King County to install video system in jails for virtual inmate visits," *The Seattle Times*, June 17, 2014. Accessed on October 2014 from: http://seattletimes.com/html/latestnews/2023866693_jailphonesxml.html.

[26] San Francisco Children of Incarcerated Parents, "Right 5," San Francisco Children of Incarcerated Parents Website. Accessed on November 2014 from: http://www.sfcipp.org/right5.html.

and if video visitation is going to be the only option that some families have, it is nowhere near good enough. Families we interviewed who use onsite and offsite video visitation, including those who are experienced Skype and FaceTime users, consistently complain of freezes, audio lags, and pixelated screens in video visitation.[27] Referring to Securus's offsite video visitation system, Jessica* said that she has had video visits freeze for a full minute. By the time she was able to tell the incarcerated person that he froze, the visit would freeze again. In fact, Jessica does not think offsite video visitation is convenient. She calls it "almost a waste of money." Families and friends have also complained about lost minutes, with visits failing to start on time despite both ends being ready or ending abruptly due to a technical malfunction. Sara* — a mother whose son is incarcerated in Maricopa County, Arizona — said that she and her son's other visitors have had "continuous issues with connecting on time" and have lost up to five minutes. When visits are 20 minutes long, "five minutes is precious."

Technical problems can be systemic. Clark County, Nevada is currently upgrading its Renovo video system to address the problem with the current system where "more than half of the average 15,000 visits a month were canceled because of tech issues."[28]

C. Video visitation puts a price tag on a service that should be free

Much of the video visitation industry, particularly in county jails, is designed to drive people from what was traditionally a free service towards an inferior, paid replacement. Even where onsite video visitation is offered and free, it is often run in a limited way to further encourage offsite video visitation. Unfortunately, companies and correctional facilities negotiate the terms and prices without any input from the people that pay. Tom Maziarz of St. Clair County, Illinois's purchasing department exemplified this disregard when he told the *St. Louis Post-Dispatch*, "A dollar a minute strikes me as a fair price. I guess it depends what viewpoint you're coming from. The way I look at it, we've got a captive audience. If they don't like (the rates), I guess they should not have got in trouble to begin with."

> " A dollar a minute strikes me as a fair price...The way I look at it, we've got a captive audience.
> — Tom Maziarz, manager, St. Clair County, Illinois Purchasing Department

Charging for visitation also means charging the families that are least able to afford this additional expense. These families are poor. In an extensive survey of previously incarcerated people, the Bureau of Justice Statistics found that 86% of respondents had an annual income that was

[27] We interviewed a handful of families and friends nationwide to hear about their firsthand experiences with video visitation. Jessica* has used Securus video visitation in Travis County, Texas, and Sara* has used Securus video visitation in Maricopa County, Arizona.

[28] Annalise Little, "Home video chats, other upgrades coming to CCDC," *Las Vegas Review-Journal*, October 13, 2014. Accessed on October 13, 2014 from: http://www.reviewjournal.com/news/las-vegas/home-video-chats-other-upgrades-coming-ccdc.

less than $25,000.[29] As with the prison and jail telephone market, charging for visitation is, at best, a regressive tax where the government charges the most to the taxpayers who can afford it the least. The *Houston Chronicle* editorial board condemned the practice of charging families for visits, declaring, "Making money off the desire of prisoners to be in touch with family members and loved ones is offensive to basic concepts of morality."[30]

What this industry is doing: major themes

While there are tremendous differences in the rates, fees, commissions, and practices in each contract, three significant patterns are common:

1. Most *county jails* ban in-person visits once they implement video visitation.
2. Video visitation contracts are almost always bundled with other services like phones, email, and commissary, and facilities usually do not pay anything for video visitation.
3. Unlike with phone services, there is little relationship between rates, fees, and commissions beyond who the company is.

While virtually no state prisons[31] ban in-person visitation, we found that 74% of jails banned in-person visits when they implemented video visitation. Though abolishing in-person visits is common in the jail video visitation context, Securus is the only company that explicitly requires this harmful practice in its contracts. The record is not always clear about whether the jails or the companies drive this change, but by banning in-

" 74% of jails banned in-person visits when they implemented video visitation

[29] For the Bureau of Justice Statistics study based on surveys of people incarcerated in state prisons, see: Beck et. al., 1993, p 3. Additionally, the Census Bureau found that only 47% of households with income less than $25,000 have high-speed internet. File and Ryan, 2014, p 3.

[30] Editorial Board, "Idea blackout," *Houston Chronicle*, September 12, 2014. Accessed on September 12, 2014 from: http://www.houstonchronicle.com/opinion/editorials/article/Idea-blackout-5752156.php.

[31] The one state prison exception that uses video visitation and bans in-person visitation, Milwaukee Secure Detention Facility in Wisconsin, considers itself to be very similar to a jail, writing on its website that it "functions in a similar manner to that of a jail operation." See: Wisconsin Department of Corrections, "Milwaukee Secure Detention Facility," Wisconsin Department of Corrections Website. Accessed on December 2014 from: http://doc.wi.gov/families-visitors/find-facility/milwaukee-secure-detention-facility.

person visits, it is clear that the jails are abandoning their commitment to correctional best practices.[32]

Video visitation is rarely a stand-alone service, and 84% of the video contracts we gathered were bundled with phones, commissary, or email. Sometimes it is obvious that the bundling of contracts persuades counties to add video visitation. For example, in a contract approval form, Chippewa County, Wisconsin's jail administrator described how attractive this makes video visitation: "The installation and start-up of the Video Visitation is $133,415.00 and Securus is paying all of it."[33] The county was further incentivized because by adding video, call management services "went from a discount of 30% to 76.1%." In Telmate's contract with Washington County, Idaho, Telmate says it *needs* to bundle its contracts or else it will be unable to provide video visitation free of charge to the facility.[34] In other words, in this county, Telmate apparently subsidizes the costs of video visitation equipment by charging families high fees to deposit funds into Telmate commissary accounts.

Since the contracts are negotiated with the understanding that the facility will not be required to pay anything, the facilities sign them without carefully looking at the real costs or who (the families) will be paying for the shiny new services. For example, in Dallas County, Texas, after a huge public uproar, the County Commissioners Court unanimously supported preserving traditional through-the-glass visitation and rejected Securus's request to ban in-person visitation. But two months later, the county inexplicably approved a contract with Securus that included the installation of 50 onsite visitor-side terminals; terminals that would only be useful if in-person visitation were eliminated in the

" Since the contracts are negotiated with the understanding that the facility will not be required to pay anything, the facilities sign them without carefully looking at the real costs….

[32] Responsibility for banning in-person visitation cannot solely be attributed to the companies, because we note that even the jails that manage their own video visitation systems (Martin County, FL; Wapello County, IA; Cook County, IL; Lenawee County, MI; Olmsted County, MN; Northwest Regional Corrections Center, MN; Sherburne County, MN) use video as a replacement rather than a supplement to existing visitation. In Global Tel*Link's reply to the Alabama Public Service Commission's further order adopting revised inmate phone rules, it states, "The Commission seeks to review VVS contracts because it is 'concerned' that the contracts may contain provisions limiting face-to-face visitation at correctional facilities...These contracts are based upon the expressed needs of the correctional facilities. Correctional facilities have sole discretion to place limitations on face-to-face visitation at the facility..." Global Tel*Link seems to be implying that jails are the ones pushing to end in-person visitation. See Exhibit 3 for Global Tel*Link's reply. For more on Securus's role in banning in-person visits, see footnote 66.

[33] See Exhibit 4 for Chippewa County, Wisconsin's Securus video visitation contract approval form. In Washington County, Oregon's contract with Telmate for phone services and video visitation, the county even received a bonus of $30,000 over three years. See Exhibit 5 for the Washington County, Oregon contract.

[34] For Telmate's justification of its commissary account deposit fees, see page 10 of the Washington County, Idaho contract with Telmate. See Exhibit 6.

county.[35] If the county were paying the $212,500 for those onsite visitor side terminals[36] with its own — rather than families' — funds, the county commissioners would have surely been less reluctant to question such a purchase.

In the prison and jail telephone industry, there is a well-documented correlation between rates, fees, and commissions that surprisingly does not exist in the video visitation market even though many of the same companies are involved.[37] In the phones market, the facilities demand a large share of the cost of each call, and these high commissions create an incentive for the facility to agree to set high call rates. In turn, the companies respond to the demand for high commissions by quietly tacking on new and higher fees to each family's bill.[38]

In the video visitation industry, this cycle does not appear to exist. Instead, to the degree that rates, fees, and commissions are related to anything at all, the details of the contract are most dependent on the *company*. We report the typical rates and commissions for some of the industry leaders in Figure 5.

While Securus's rates are significantly higher than those of other companies, Securus does not provide jails with higher commission percentages. In fact, the lowest commission among the jail contracts can be found in Maricopa County, Arizona, which receives 10% of Securus's total gross revenues from video visitation. Overall, commissions are lower

" To the degree that rates, fees and commissions are related to anything at all, the details of the contract are most dependent on the *company*.

[35] We have seen examples of facilities starting off with video as a supplement to in-person visits but then banning in-person visits shortly after the video system was in place. Pinal County, Arizona launched video visitation in April 2013 as a supplement, and saw substantial use of both video and traditional visitation. But by December 2014, Pinal County had banned traditional visitation. JJ Hensley, "MCSO to allow video jail visits — for a price," *The Arizona Republic*, December 10, 2013. Accessed on December 17, 2014 from: http://www.azcentral.com/news/articles/20131206mcso-to-allow-video-jail-visits-price.html and Bernadette Rabuy interview with Pinal County Sheriff's Office on December 17, 2014.

[36] For the costs of the Dallas County video visitation system, see page 18 of the approved Dallas County contract with Securus. See Exhibit 7.

[37] As the Federal Communications Commission (FCC) notes, in the phones market, "site commission payments... inflate rates and fees, as ICS providers must increase rates in order to pay the site commissions." See: Federal Communications Commission, *Second Further Notice of Proposed Rulemaking*, WC Docket No. 12-375 (Washington, D.C.: Federal Communications Commission, Released October 22, 2014), at ¶ 3. Accessed on January 8, 2015 from: http://www.fcc.gov/document/fcc-continues-push-rein-high-cost-inmate-calling-0.

[38] For more information on the prison and jail phone industry's fees, see Drew Kukorowski et. al., *Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry* (Easthampton, MA: Prison Policy Initiative, May 8, 2013). Accessed on October 2014 from: http://www.prisonpolicy.org/phones/pleasedeposit.html. Phone company NCIC also produced an informational video on fees, which can be found here: https://www.youtube.com/watch?v=S3iB0p49oZ8

	Rates found	Typical rate	Commissions found	Typical commission
HomeWAV	$0.50 – $0.65/min	$0.50/min	None – 40%	n/a
JPay	$0.20 – $0.43/min	$0.33/min	0.75% – 19.3%	10%
Securus	$0.50 – $1.50/min	$1/min	None – 40%	20%
TurnKey Corrections	$0.35 – $0.70/min	$0.35/min	10% – 37%	n/a
Telmate	$0.33 – $0.66*/min	n/a	None – 50%*	n/a

Figure 5. *The range of rates and commissions found for each company, and where possible, the typical rate and commission. The HomeWAV commissions, TurnKey commissions, the Telmate rates, and the Telmate commissions in our sample vary so much that it was difficult to identify a "typical" rate or commission. *The Telmate contract with Oregon has a $0.60 cents per minute rate and 50% commission and may be an outlier because it is Telmate's only state prison contract. It also includes a lot of other bundled services including phones, commissary, MP3 players, song downloads, etc.*

for video visitation than they are for phones.[39] Oddly, the rates still varied among the few jails that do not accept commissions (Figure 6). It seems that sometimes negotiating to a lower commission may bring down the rate charged to families while other times it does not.

County	Company	Rate	Typical company rate
Adams County, MS	HomeWAV	$0.50/min	$0.50/min
Champaign County, IL	ICSolutions / VizVox	$0.50/min	$0.50/min
Dallas County, TX	Securus	$0.50/min	$1/min
Douglas County, CO	Telmate	$0.33/min	n/a
San Juan County, NM	Securus	$0.65/min	$1/min
Saunders County, NE	Securus	$1/min	$1/min

Figure 6. *These are counties that do not accept a commission on video visitation revenue. See Exhibit 1*

The companies also differ in how they charge families. Almost all of the companies charge families per visit rather than per minute, which raises questions about whether families receive the full value that they pay for, especially since it is common for the image to freeze:

Company	Per minute or per visit?
HomeWAV	Per minute
ICSolutions / VizVox	Per visit
JPay	Per visit
Renovo	Per visit
Securus	Per visit
Telmate	Per visit
TurnKey Corrections	Per minute

Figure 7. *Some companies charge per minute, others per visit.*

As in the phone industry, the size of the hidden fees that add to the cost of each visit vary considerably. But unlike the phone industry, where

[39] The highest commission on video charges we have seen — out of the contracts we gathered — is in Placer County, California where ICSolutions sends 63.1% back to the sheriff. In our 2013 report on the phones industry, ICSolutions also provided the highest commission, 84.1% of phone revenue. For Placer County's contract with ICSolutions, see Exhibit 10. For more on phones, see Kukorowski et. al., 2013.

"[a]ncillary fees are the chief source of consumer abuse and allow circumvention of rate caps,"[40] the fees for video visitation vary from burdensome to nonexistent. In fact, some of the high-fee companies in the telephone industry are the very same ones who do not charge any credit card fees for video visitation:

Company	How to pay for video visit	Fees
HomeWAV	Buy minutes on PayPal using credit/debit card, bank account, or prepaid gift card	$1
ICSolutions / VizVox	Fund prepaid collect account online with a credit/debit card or through Western Union or money order	$0 fee + taxes to $9.99 Western Union fee + taxes, See Exhibit 11
JPay	Pay with credit/debit card when you schedule visit online or by phone	$0
Renovo	Pay with credit/debit card or prepaid credit/debit card when you schedule visit online	$0
Securus	Pay with credit/debit card when you schedule visit online	$0
Telmate	Fund your Friends & Family account (various methods)	$2.75 – $13.78 fee, See Exhibit 11
TurnKey Corrections	Fund your communications account (various methods)	$0 – $8.95 fee, See Exhibit 11

Figure 8. This table shows how visitors must pay for video visits and the associated fees, when applicable. Source: Companies' websites and calls and emails to customer service.

Broken promises from the industry and its boosters

The video visitation industry sells correctional facilities a fantasy. Facilities are pitched a futuristic world out of Star Trek where people can conveniently communicate over long distances as if they were in the same room while simultaneously helping facilities bring in revenue and eliminate much of the hassle involved in offering traditional visitation. In turn, the facilities sell these same benefits to the elected officials who must approve the contracts. But when hard lessons of experience bring down those dreams, the industry and the facilities are less forthcoming. This section reviews the record to date on the promises made by the industry and its boosters.

> " The video visitation industry sells correctional facilities a fantasy. Facilities are pitched a futuristic world out of Star Trek…. But when hard lessons of experience bring down those dreams, the industry is less forthcoming.

Our findings put the industry's promises into question:

- **Increased safety and security?** The industry says, without evidence, that video visitation — and the "investigative capabilities"[41] of these systems — will make facilities safer, primarily by eliminating

[40] Federal Communications Commission, 2014, at ¶ 83.

[41] See Exhibit 12 for Securus's response to the Maricopa County, Arizona Request for Proposals for video visitation.

contraband. In the one study of this claim, Grassroots Leadership and the Texas Criminal Justice Coalition found that disciplinary cases for possession of contraband in Travis County, Texas increased 54% after the county completed its transition to video-only visitation.[42] Correctional facilities tell elected officials that video visitation can also eliminate "fights in the lobby,"[43] but the public location of the terminals actually increases tensions in the cell pods. As a person incarcerated in Collier County, Florida described: "Everybody in the dorm or on the pod can still see who it is that's visiting another. This in itself is invasive and potentially compromising and has led to fights among the inmates here."[44]

- **Increased efficiency and cost savings for the facility?** The industry tells the facilities that they can outsource handling families' complaints, but when the systems do not work, it is the facilities that are left filling in the gaps of a system they neither designed nor control.[45]
- **A lucrative source of revenue for the facility?** The available data reveals that video visitation is not a big money maker for facilities and may not even be profitable for the industry. First, refunds are common. For the month of August 2014, Charlotte County Jail, Florida and company Montgomery Technology, Inc. gave 35 refunds out of 89 total video visits. The facility and Montgomery Technology, Inc. did not gain revenue; each lost $8.[46] Second, the contracts are often structured in a way that serves the needs of the

FAMILIES FIND THE PROMISES MOST MISLEADING OF ALL

It is no wonder that families are distrustful of video visitation and reluctant to even try the service: both the companies and the facilities are often misleading them. For example, when the District of Columbia jail decided to ban in-person visits, there was widespread resistance.[97] The facility did not back down from the change and instead claimed that the convenience of video visitation would benefit families. The convenience, jail staff said, would allow them to expand visits to seven days a week, but two years later, families are still waiting.[98]

In Maricopa County, Arizona, Sheriff Joe Arpaio cut back visitation hours last year, just in time for the holidays. The sheriff's spokeswoman told the *Phoenix New Times* that the change was being made "while we switch from one vendor to another vendor to update/improve MCSO's video visitation program."[99] The so-called "improvement" was that Sheriff Arpaio had signed a contract with Securus agreeing to get rid of the last of in-person visits in Maricopa's jails.

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[42] The Grassroots Leadership and Texas Criminal Justice Coalition study states that there was an "overall increase of 54.28 percent in contraband cases May 2014 versus May 2012." See: Jorge Renaud, *Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price* (Austin, TX: Grassroots Leadership and Texas Criminal Justice Coalition, October 2014), p 9. Accessed on October 16, 2014 from: http://grassrootsleadership.org/sites/default/files/uploads/Video%20Visitation%20%28web%29.pdf.

[43] Sullivan, 2014.

[44] Jessica Lipscomb, "A new way to visit inmates at Collier jails: video conferencing," *Naples Daily News*, December 11, 2014. Accessed on December 11, 2014 from: http://www.naplesnews.com/news/crime/a-new-way-to-visit-inmates-at-collier-jails-video-conferencing_50634238.

[45] When Mary* tried to drop in for an unscheduled video visit at a Texas county jail, she asked jail staff for assistance. Since Securus requires that video visits be scheduled at least 24 hours in advance, jail staff had to decide if they would make an exception for Mary who flew in from out of state to see her brother. Another requirement of Securus video visitation is that visitors take a photo of their identification in order to set up an account. Laina* used her personal computer's webcam to take a photo of her ID, but her request to open an account was denied citing a blurry ID photo. Laina then had to travel to the jail to have jail staff look at her ID in-person and do a manual override.

[46] See Exhibit 13 for the August 2014 earnings report for Charlotte County Jail, Florida.

[97] Fulcher, 2014, p 104.

[98] Editorial Board, "D.C. prisoners deserve better than flawed video-only visitation policy," *The Washington Post*, August 12, 2013. Accessed on December 3, 2014 from: http://www.washingtonpost.com/opinions/dc-prisoners-deserve-better-than-flawed-video-only-visitation-policy/2013/08/12/68834128-035e-11e3-88d6-d5795fab4637_story.html.

[99] Matthew Hendley, "Joe Arpaio Cuts Back on Inmate Visitation, Just in Time for Holidays," *Phoenix New Times*, December 3, 2013. Accessed on October 22, 2014 from: http://blogs.phoenixnewtimes.com/valleyfever/2013/12/joe_arpaio_cuts_back_on_inmate_visitation_christmas.php.

industry before the needs of the facilities.[47] In some cases, facilities must meet these unreasonably high usage requirements[48] set by companies as a prerequisite to receiving commissions. In other cases, video visitation companies require that their investments be recouped before they will pay commissions to the facilities. If this clause were in effect in Travis County, Texas — one of the few jurisdictions that have made commission data available — it would take *17 years* before Travis County would receive commissions.[49] In Hopkins County, Texas, Securus anticipated that the county would generate $455,597 over five years from its 70% commission on video visits and phone calls. However, in the 2014 fiscal year, Hopkins County earned a mere 40% of the expected yearly revenue.[50]

- **Families will readily embrace remote video visitation?** Securus told Dallas County, Texas during the contract negotiation process that "most [families] will readily embrace the opportunity to visit from home."[51] Securus did not offer any evidence, and our review of the record in other counties shows Securus scrambling to stimulate

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[47] For example, in one Securus contract, the commission is based on the gross revenue per month. If the gross revenue per month is $5,001-$10,000, the commission is 0%. If the revenue is $10,001-$15,000, the commission is 20%. If the revenue is $15,001-$20,000, the commission is 25%. If the revenue is $20,001+, the commission is 30%. For the Collier County, Florida contract, see Exhibit 14.

[48] Tom Miriam of Global Tel*Link told the Dallas County Commissioners that it was unreasonable for Securus to propose to pay commissions only if the County achieves 1.5 paid visits per incarcerated person per month when "the national average is 0.5 visit per inmate per month." See: The County of Dallas, September 9, 2014.

[49] In most Securus contracts, the video visitation terminals are valued at $4,000 each, ignoring the cost of installation and software. Therefore, the 184 terminals installed in Travis County are valued at $736,000, an immense sum compared to the $43,445 Securus earned from offsite video visitation in the period September 2013-September 2014. Either Securus is losing money on each video visit, or the terminals are overvalued in the contracts, or Securus is using phone revenue to subsidize the video business. For the Travis County contract, see Exhibit 15. For the commission data, see Exhibit 16. Additionally, the *St. Louis Post-Dispatch* reported that St. Clair County, Illinois receives a 20% commission on video visits if it reaches 729 paid visitors a month, but there were only 388 in January 2014. See Hampel, 2014.

[50] Amy Silverstein, "Captive Audience: Counties and Private Businesses Cash in on Video Visits at Jails," *Dallas Observer*, November 26, 2014. Accessed on November 28, 2014 from: http://blogs.dallasobserver.com/unfairpark/2014/11/captive_audience_counties_and_private_businesses_cash_in_on_video_visits_at_jails.php?page=all.

[51] For the Securus response to Dallas County's additional best and final offer questions, see Exhibit 9.

demand where it does not exist,[52] frequently charging promotional rates well below the prices in the contracts and for far longer than the promotional period described in the contracts.[53]

- **Total visitation will go up?** Although families dispute the assumption, sheriffs argue that video visitation is equivalent to in-person visitation, and they are quick to assert that since video visitation is more efficient, visitation will increase. For example, Travis County, Texas Jail Administrator Darren Long told the County Commissioners Court that video visitation has allowed the jails to provide an additional 11,000 visits.[54] In reality, the number of visits in Travis County has declined. In September 2009, there were 7,288 in-person visits in Travis County jails.[55] In September 2013 — a few months after in-person visits were completely banned — there were 5,220 visits. Rather than increase, the total number of visits *decreased* by 28% after the imposition of video visitation because families are unhappy with both free, onsite video visits and the paid, offsite video visits.[56]
- **Most prisons and jails are moving to video visitation?** The Travis County Jail Administrator Darren Long also asserted that video

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[52] Securus is not the only company facing the reality of low demand for video visitation services. In Washington County, Oregon — which contracts with Telmate and uses video visitation as a supplement — the jail logged 86 video visits in September 2013. See Bernstein, 2013. We calculated — using the U.S. Census figure for the jail population of 197 — that the jail logged an average of 13 minutes per incarcerated person for that month.

[53] Securus is charging a promotional rate in 67% of the contracts we gathered for our sample. For instance, in Saunders County, Nebraska's contract with Securus, a 30-minute offsite visit is priced at $30, but for "a limited time," the promotional rate is $5 for a 35-minute visit. (See Exhibit 18 for the Saunders County contract.) In the Securus contract with Travis County, Texas, the contract specifies that all video visits should be charged at standard rates after the system has been installed for three months. However, Securus has rarely charged the standard rate in the year and a half following implementation. (See Exhibits 15 and 16)

[54] For the video of Darren Long's testimony in Travis County Commissioners Court, see: Travis County, "Travis County Commissioners Court Voting Session," Travis County Website, January 21, 2014. Accessed on December 2014 from: http://traviscountytx.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1387.Travis County, 2014.

[55] September 2009 was before video visitation was used at all for those incarcerated in general population. Travis County started using video visitation in 2006-2007 for maximum security and then for general population for those held in Building 12, which opened in Oct. 2009. Travis County switched to video for everyone in May 2013. See Exhibit 16 for visitation data.

[56] We interviewed three individuals who have used video visitation to visit loved ones incarcerated in Travis County. They are dissatisfied with the audio lags, the lack of eye contact, etc.

visitation "is best practices going across the nation right now"[57] and implied that Travis County would be terribly behind if it did not adopt video visitation. In reality, only 12% of the nation's 3,283 local jails have adopted video visitation.[58] Administrator Long showed a slide with a list of 19 states that use video visitation, but, as discussed earlier, most state prison systems are using video conferencing and video visitation[59] on a very small scale as a supplement to existing visitation and certainly never as the dominant form of visitation.[60]

- **Video visitation will reduce long lines?** Unlike traditional visitation, many video systems require families to schedule both onsite and offsite video visits at least 24 hours in advance. Many families find coordinating issues like transportation to the jail, childcare, and employment difficult, so requiring visits to be scheduled discourages people from attempting drop-in visits. To their credit, many facilities with policies requiring visits to be scheduled in advance appear to allow drop-in visits when possible, but this leads to confusion when there are even longer waits for a video visit than under the traditional system.[61]
- **Remote video visitation is convenient?** The promise of video visitation is that it will be easier for families, but these systems are very hard to use. In our experience doing remote video visits and in our interviews with family members, the most common complaint

[57] See: Travis County, 2014 for the video of the Commissioners Court meeting. A deputy at the Roane County, Tennessee jail also seems to believe that video visitation is a best practice. The deputy said, "If you've got a jail that's been built in the last few years, it's got video visitation." See: Gervin, 2014.

[58] According to Wagner and Sakala, 2014, there are 3,283 local jails. From video visitation companies' websites, news stories, and interviews of criminal justice colleagues, we have identified 386 local jails with video visitation.

[59] Video conferencing includes telemedicine programs in which doctors meet with incarcerated patients through a video system and programs in which parole hearings are done via video. Video visitation allows family members to visit incarcerated loved ones via video.

[60] The 23 states that use video visitation are: Alabama, Alaska, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Virginia, Washington, and Wisconsin. Administrator Long misleadingly cites the number 19 from the Boudin, Stutz, and Littman, 2014 study, even though the study explains that some states use video on a temporary or limited basis. Out of the 19 mentioned in this study, we omitted Idaho, which we do not believe has video visitation and added Alabama, Michigan, North Dakota, South Carolina, and South Dakota. One state prison, Milwaukee Secure Detention Facility, did replace in-person visits with video visits, but it compares itself to a county jail.

[61] When Mary* showed up for an unscheduled video visit, jail staff told her she would get the next available visitor-side video terminal, but she ended up waiting over an hour despite the availability of 30 visitor-side terminals. The delay might have been because the video terminal that her incarcerated brother has access to could have been in use by another incarcerated person. Laina* said that when family members drop in for unscheduled video visits in Travis County, Texas, the wait can be anywhere from one to three hours.

JPAY VIDEO VISITATION: A REVIEW

We decided to try JPay, the leading provider of video visitation in state prisons.

We use Skype and FaceTime regularly and are familiar with the prison and jail telephone industry leaders, so we expected hiccups. However, our JPay experience left us more disappointed and frustrated than we expected.

- To schedule a remote video visit, we had to call JPay customer service four separate times. During our first call, the JPay employee had trouble locating our account saying she is only able to view accounts that are opened over the phone, not accounts created online. We even had to call our credit card company when JPay let us know that some credit card companies reject the way that JPay processes transactions. Later, we learned that JPay had actually been the one rejecting the transactions.
- Visit #1: When we finally had a scheduled video visit, we waited for 30 minutes to no avail. The incarcerated person we were attempting to visit did not see the email from JPay notifying him of the visit until he was off of work and able to check a video terminal. Unfortunately, this was after the scheduled time had already passed. Perhaps we should have scheduled the visit more than 24 hours in advance, but we figured JPay would have set that requirement — as other companies like Securus do — if this were a frequent problem.

Continued on next page.

— even from people who claim to be comfortable with computers — is that these systems are inconvenient.[62] We heard of and experienced repeated problems getting pictures of photo IDs to companies,[63] scheduling visits, processing payments, and with some companies not supporting Apple computers.[64] Today in 2015, virtually every other internet-based company has made it easy for consumers to purchase and pay for their products, but the video visitation industry — perhaps because of its exclusive contracts — apparently has little desire to win customer loyalty through making its service easy to use.

The financial incentives in the video visitation market put the priorities of the companies before the facilities or the families, so it should come as no surprise the industry is not able to meet all of its attractive promises. Because video visitation is often framed as an "additional incentive" in phone or commissary contracts rather than a stand-alone product, it is unclear how much thought and planning the companies and facilities put into the actual performance of these systems.[65] The true end-users of this service — the families — are the ones who are served last. Worse still, these "add-ons" create spill-over effects, pushing their bloated costs onto other parts of the contract.

How are Securus video contracts different from other companies?

While most jails choose to ban in-person visitation after installing a video visitation system, only Securus contracts explicitly require this outcome. The Securus contracts also tend to go further with detailed micromanagement of policy issues that would normally be decided upon by elected and appointed correctional officials.

It is common to find the following elements in Securus contracts:

- "For non-professional visitors, Customer will eliminate all face to face visitation through glass or otherwise at the Facility and will utilize video visitation for all non-professional on-site visitors."
- "Customer will allow inmates to conduct remote visits without quantity limits other than for punishment or individual inmate

[62] For example, to visit at Wisconsin's Milwaukee County Jail, families must register on one company's website (HomeWAV) then schedule the video visit using another company's website (Renovo). Milwaukee County Sheriff, "Visiting," Milwaukee County Sheriff Website. Accessed on January 6, 2015 from: http://county.milwaukee.gov/Visiting15657.htm.

[63] In addition to Laina*'s story mentioned in footnote 45, Bernadette had trouble taking a photo of her ID. When Bernadette tried to submit a photo of her ID to Securus, she tried taking the photo five times before she finally submitted it, but the photo was still rejected by the Texas jail. Bernadette was fortunate enough to have access to another, newer laptop. When she tried the laptop, which had a better webcam, the photo of her ID was accepted.

[64] See Exhibit 19 for the companies that only support Windows computers.

[65] For Securus's financial proposal to Shawnee County, Kansas that frames video visitation as an additional incentive, see Exhibit 20.

- Visit #2: The quality was a disappointment. The person we were visiting was extremely pixelated. The audio delays made it difficult to even have a conversation. We could hear our voices getting to the incarcerated person with delays of 10 seconds. Additionally, six separate times, we were warned of insufficient bandwidth on both our side and on the incarcerated person's side. Poor quality must be the standard if JPay is not utilizing the adequate bandwidth on the state prison side.
- Visit #3: We scheduled a visit with another person in a different facility but that too failed. While both parties sat at their designated posts at the agreed upon time, the visit never happened. The incarcerated person asked bystanders and learned that the video terminals in that facility had not been working for *months*.

On the positive side, JPay customer service is pretty helpful by telephone, although not by email.[100] While we ended up spending three hours on the phone trying to set up video visits, receiving a refund for the initial, failed visit was fairly easy. We have not been as lucky with other companies in this industry.

[100] A request for credit sent via JPay's website for the failed visit was immediately acknowledged by an automatic email, with a human reply promised "soon." But after a week, there was still no follow-up. However, a phone call to customer service resulted in an immediate credit.

misbehavior." Apparently, Securus does not think that the profit share is enough of an incentive for facilities to encourage the use of offsite video visits.

- Additionally, Securus specifies that the county must pay for any free sessions the county wants to provide. With this clause and clauses that "reduce the on-site visitation hours over time,"[66] Securus is restricting free, onsite visits and pushing families toward paid, remote visits.
- Securus specifies how and where the incarcerated population may move in the facility, with a requirement that the terminals be available "7 days a week, 80 hours per terminal per week."[67]

Most of the other contracts we reviewed do not require specific correctional policies or changes. One company TurnKey Corrections has clauses in its contracts that are almost the opposite of those of Securus's such as:

- "Provider wishes to minimize fees charged to inmate's family and friends and allow revenue and efficiency to grow thus providing the County the maximum amount of revenue possible."
- "Privileges may be revoked and suspended at any time for any reason for any user." While communication between incarcerated people and their families should be encouraged, correctional facilities should be responsible for setting visitation policies, not private companies.
- "The communication of changes will be done a minimum of 15 days in advance of the change. Provider warrants to change prices no more than 3 times annually."

The way *jails* typically implement video visitation systems violates correctional & policy best practices

With few exceptions, jail video visitation is a step backward for correctional policy because it eliminates in-person visits that are unquestionably important to rehabilitation while simultaneously making money off of families desperate to stay in touch. In fact, banning in-person visits and replacing them with expensive virtual visits runs contrary to both the letter and the spirit of correctional best practices as defined by the American Correctional Association (ACA), the nation's leading

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[66] There is further reason to believe that facilities are allowing Securus to make decisions about onsite visitation policies. Beyond banning in-person visits, Securus has tried to stimulate demand for remote video visits by proposing that Dallas County reduce onsite visitation availability to no more than 20 hours per week. For Dallas County's proposed contract, see Exhibit 8. While this clause was taken out of the approved Dallas contract, the Securus contract with Adams County, Illinois unfortunately includes this clause. For the Adams County contract, see Exhibit 21. In Maricopa County, Arizona, the Securus contract states, "inmates will be allowed three (3) onsite visits per week, at no charge." However, according to the Maricopa County Sheriff's website, this has been cut down to one free onsite visit per week. For Maricopa County's contract, see Exhibit 12. Also see footnote 32.

[67] This clause can be found in Securus contracts with, for example, Tazewell County, Illinois and Dallas County, Texas. For the Tazewell County contract, see Exhibit 22. For Dallas County's approved contract, see Exhibit 7.

professional organization for correctional officials and the accreditation agency for U.S. correctional facilities.

In four conferences going back to 2001,[68] the ACA has consistently declared that "visitation is important" and "reaffirmed its promotion of family-friendly communication policies between offenders and their families."[69] According to the ACA, family-friendly communication is "written correspondence, visitation, and reasonably-priced phone calls."[70] The ACA believes that, in addition to visitation, correctional facilities should provide incarcerated people other forms of communication. In its 2001 policy on access to telephones, the ACA states that, while "there is no constitutional right for adult/juvenile offenders to have access to telephones," it is "consistent with the requirements of sound correctional management" that incarcerated people have "access to a range of reasonably priced telecommunications services."[71]

Yet, instead of being used as a supplemental telecommunications service, jails are frequently using video visitation to replace in-person visitation. Jail video visitation systems are further against correctional best policy because:

- The ACA is explicit that it "supports inmate visitation without added associated expenses or fees." In the video visitation industry, visitation — which has long-been provided for free — now has a price tag. Most jails provide a minimum number of onsite video visits for free, but sometimes facilities and companies make it nearly impossible for families to utilize these free visits. In Washington County, Idaho, families are given two free visits per week, but these visits can only be used from 6-8am.[72] Other counties are even more restrictive and in direct violation of the ACA resolution. Lincoln County, Oregon and Adams County, Mississippi left families with

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[68] The ACA's policy on telephones was unanimously ratified in 2001 and then amended in 2006 and 2011, and its resolution on visitation was adopted in 2011 and reaffirmed in 2012.

[69] American Correctional Association Resolution, "Supporting Family-Friendly Communication and Visitation Policies," American Correctional Association Website, Reaffirmed January 24, 2012. Accessed on October 31, 2014 from: http://www.aca.org/ACA_Prod_IMIS/aca_member/ACA_Member/Govt_Public_Affairs/PandR_FullText.aspx?PRCode=R0015.

[70] American Correctional Association, 2012.

[71] American Correctional Association Policy, "Public Correctional Policy on Adult/Juvenile Offender Access to Telephones," American Correctional Association Website, Amended February 1, 2011. Accessed on October 31, 2014 from: http://www.aca.org/ACA_Prod_IMIS/aca_member/ACA_Member/Govt_Public_Affairs/PandR_FullText.aspx?PRCode=P0023.

[72] For the Washington County visitation policy, see Washington County Jail, "Inmate Visiting Hours," Washington County, Idaho Website. Accessed on November 2014 from: http://law.co.washington.id.us/sheriff/washington-county-jail/.

only one option to visit: *paid,* offsite video visits.[73] Portsmouth County, Virginia, which has offsite and onsite video visitation, goes as far as to charge for both.[74]

- The ACA defines reasonably priced as "rates commensurate with those charged to the general public for like services."[75] And, while sheriffs are usually quick to compare video visitation to services like Skype and FaceTime, those services are free. Video visitation, on the other hand, can cost over $1 per minute. In Racine County, Wisconsin, a 20-minute video visit costs $29.95.[76]

Similarly, the American Bar Association (ABA), the nation's largest association of lawyers, foresaw that facilities would use new technologies to abolish in-person visitation, so it urged in its 2010 criminal justice standards: "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."[77]

Notably, state prison officials are already in full compliance with this ABA recommendation, as the state prison officials who have considered video visitation understand the harm that would result from implementing video visitation systems as jails do.[78] Illinois Department of Corrections spokesman Tom Shaer told the *St. Louis Post-Dispatch*, "All

> " Correctional officials should develop and promote … video visitation, provided that such options are not a replacement for opportunities for in-person contact.
> — American Bar Association, 2010

[73] For more on the Lincoln County ban on in-person visits, see Bernstein, 2013. For the Adams County, Mississippi contract and for the jail's visitation policy, see Exhibit 23.

[74] Portsmouth County's HomeWAV brochure says "there is a charge for all visits." For the brochure and the Portsmouth County contract, see Exhibit 24.

[75] American Correctional Association, 2011.

[76] We recognize that companies face costs to provide correctional video visitation systems. More research needs to be done on how much it really costs companies to provide video visitation. Securus was the only company to consistently provide a cost breakdown in its contracts, but it is still unclear how much video visitation terminals cost. Generally, Securus contracts state that their video visitation terminals cost $4,000 each. Lemhi County, Idaho's contract with another company TurnKey (See Exhibit 25) states that a public video visitation terminal costs $3,500 while TurnKey's contract with Jefferson County, Idaho states that a public video visitation terminal costs $995 each. (See Exhibit 26). According to Vice President of TurnKey, while TurnKey video visitation terminals normally cost $995, additional terminals cost $3,900. Lemhi County was given a $400 discount.

[77] American Bar Association House of Delegates, *Criminal Justice Standards on the Treatment of Prisoners* (American Bar Association, Approved in February 2010), p 175. Accessed on October 2014 from: http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/treatment_of_prisoners_commentary_website.authcheckdam.pdf.

[78] In a letter to Bernadette Rabuy dated October 15, 2014, the Freedom of Information Officer for the Illinois Department of Corrections states, "At this time, the Department does not have a contract for video visitation services." According to a *Chicago Tribune* article, the Department previously had apparently imminent plans to implement video visitation. See McCoppin, 2014.

research shows in-person visits absolutely benefit the mental health of both parties; video can't match that."[79]

Further, the editorial boards of papers as diverse as *Austin American-Statesman, The Dallas Morning News, Houston Chronicle, The New York Times*, and *The Washington Post* have severely criticized jail video visitation systems[80] for weakening family ties and preying on those least able to afford another expense. A clear and strong national consensus has developed that jail video visitation systems are a major step in the wrong direction.

Video visitation can be a step forward

Much of this report has focused on the way that video visitation is implemented by the largest companies in the industry, arguing that it is a significant step backwards for families and public safety. But video visitation done differently could be a major step forward, and some companies are already taking some of these steps. For example, the data shows that it is economically beneficial to preserve existing visitation systems, and there are ways to operate a video visitation system that actually make visitation more convenient for families.

Two of the industry leaders, Securus and Telmate, claim that in order to be economically viable, they must ban in-person visitation, but some of their competitors have found other, more reliable ways to stimulate demand. Securus and Telmate are utilizing a strategy that is proven by their competitors to be penny-wise and pound-foolish.

Securus almost always requires facilities to ban in-person visitation and justified this to Dallas County, Texas saying that the "capital required upfront is significant and without a migration from current processes to remote visitation, the cost cannot be recouped nor can the cost of telecom be supported."[81] Similarly, Telmate's CEO says that banning in-person

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[79] For the *St. Louis Post-Dispatch* article, see Hampel, 2014.

[80] For the editorials, see: Editorial Board, "Editorial: A price too high for calls from jail," *The Dallas Morning News*, November 10, 2014. Accessed on November 10, 2014 from: http://www.dallasnews.com/opinion/editorials/20141110-editorial-a-price-too-high-for-calls-from-jail.ece. Editorial Board, "Idea blackout," *Houston Chronicle*, September 12, 2014. Accessed on September 12, 2014 from: http://www.houstonchronicle.com/opinion/editorials/article/Idea-blackout-5752156.php. The Editorial Board, "Unfair Phone Charges for Inmates," *The New York Times*, January 6, 2014. Accessed on January 6, 2014 from: http://www.nytimes.com/2014/01/07/opinion/unfair-phone-charges-for-inmates.html?_r=0. Editorial Board, "D.C. prisoners deserve better than flawed video-only visitation policy," *The Washington Post*, August 12, 2013. Accessed on December 3, 2014 from: http://www.washingtonpost.com/opinions/dc-prisoners-deserve-better-than-flawed-video-only-visitation-policy/2013/08/12/68834128-035e-11e3-88d6-d5795fab4637_story.html.

[81] For Securus's justification of the need to change traditional visitation when implementing video, see pages 3-4 of its response to Dallas County in Exhibit 9.

visits is the only way to increase video visitation volume in order to recoup Telmate's investment.[82]

However, TurnKey Corrections has found that when facilities offer families *more and better* visitation options, families will use remote video visitation more. TurnKey found:[83]

- When traditional, through-the-glass visits are retained, the jail averages 23 minutes of offsite video visits per month per incarcerated person.
- When through-the-glass visits are replaced with onsite video visits, the jail averages 19 minutes of offsite video visits per month per incarcerated person.
- When offsite video visits are the only visitation option, the jail averages only 13 minutes of offsite video visits per month per incarcerated person.[84]

Turnkey's experience is that the best way to sell offsite video visitation is to use other forms of visitation to build the demand. Putting up barriers to visitation does little besides discourage families from trying the company's paid service.[85]

Two companies, Turnkey and HomeWAV, structure their systems differently than the market leaders and structure them more like phone services. Both charge per minute rather than per visit, and neither company requires families to pre-schedule video visits:

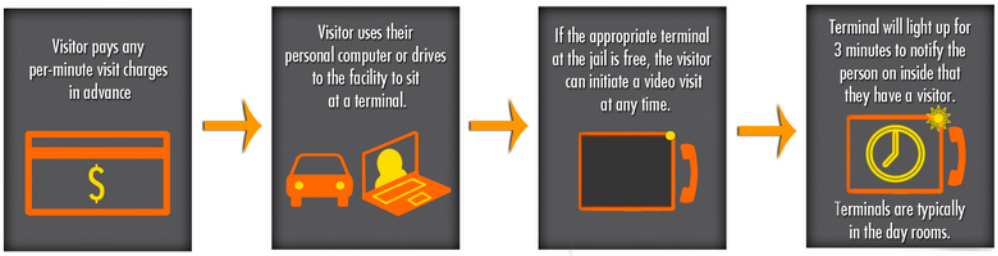

Figure 9. *TurnKey charges per minute and allows the visitor to call into the facility without an appointment.*

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[82] This is from Peter Wagner's conversation with Telmate CEO Richard Torgersrud on July 10, 2013.

[83] This data is from an interview on November 17, 2014 with Patrick McMullan, Vice President of TurnKey Corrections.

[84] According to an article from October 2013, the jail in Lincoln County, Oregon — which contracts with TurnKey and only offers paid, offsite video visitation — has averaged 12-24 video visits a day. It is a 161-bed jail so it is averaging a mere 0.07-0.14 video visits per incarcerated person per month. TurnKey charges per minute. See Bernstein, 2013.

[85] Advocacy organization, Grassroots Leadership, did a survey on video visitation in 2014. A counselor responded to the survey and said that he or she refuses to use video visitation unless the video contract specifically indicates video visitation will only be used as a supplement to in-person visitation. When we interviewed Laina* about her experience with Securus video visitation, she said that she "doesn't care to give Securus money" but only decided to give video visitation a shot when it was offered at the promotional price of $5 for a 20-minute visit.

Figure 10. *HomeWAV charges per minute and does not require appointments. The visitor says when he or she is available, and then the person on the inside makes an outgoing video call.*

HomeWAV told us that the average length of a visit on their system is 5.79 minutes, significantly fewer than the standard visit blocks of 20 or 30 minutes. By charging per minute, families are incentivized to use video visits for shorter time periods. For example, it is possible for a daughter to say goodnight to her incarcerated father or for a husband to ask his wife if she received her commissary money via video visit, without the visit being financially burdensome.

While some families find being able to schedule a video visit superior to waiting in a long line for an unscheduled visit, adding the *option* for unscheduled visits has other advantages including:

- It would be better than the telephone because it would allow family members to decide when to communicate, rather than being forced to sit and wait by the telephone.
- It makes per-minute pricing both possible and efficient for both families and the companies.

Additionally, some companies have prioritized supporting their customers and whatever computing devices they have and want to use. For example, HomeWAV reports that 60% of its visits are done using their HomeWAV Android or iPhone/iPad application. By contrast, some other companies do not even support Apple computers.

Company	Microsoft only?	Mobile/tablet application?
HomeWAV	No	Yes
ICSolutions / VizVox	Yes	No
JPay	No	Yes
Renovo	Not anymore	Only for scheduling
Securus	Yes	No
Telmate	No	Coming soon
TurnKey Corrections	No	Yes

Figure 11. *This table shows which video visitation systems are compatible with Apple computers and mobile/tablet devices. Source: Companies' websites. See Exhibit 19*

Making video visitation more convenient is the key to increasing demand, and with higher demand, the companies can lower prices, which will further stimulate demand.

In the facilities that contract with HomeWAV, which typically charges $0.50 per minute, the average video visitation usage is 16 minutes per incarcerated person per month. By contrast, we found that the average usage of Securus video visitation in Travis County, Texas from September 2013 to September 2014 was 2 minutes per incarcerated person per

month.[86] Further, our analysis of the volume and pricing data in Securus's commission reports for Travis County found clear evidence that pricing matters:

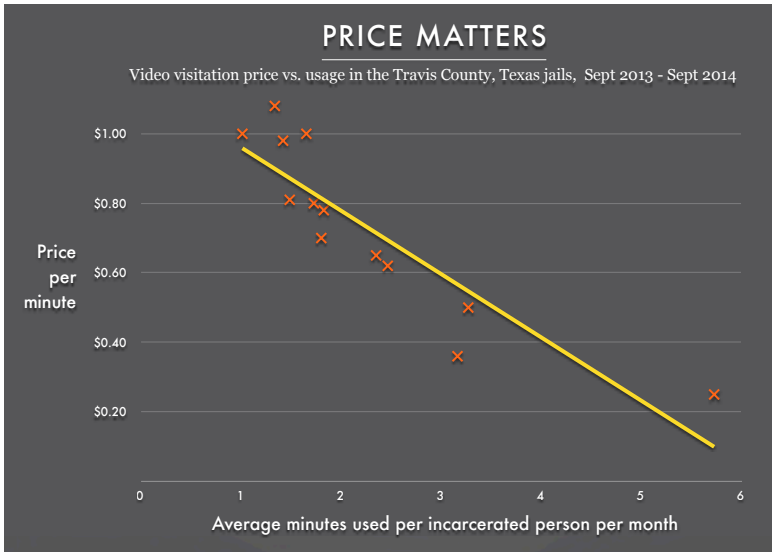

Figure 12. *Video visitation price vs. usage in Travis County, Texas jails*

The lesson is clear: the current approach to jail video visitation from Securus and other large companies is not effectively stimulating demand. While companies and facilities could make many small and large changes to address the lack of demand, the companies should start by giving up on the failed idea that banning in-person visitation is the only way to stimulate demand.

Recommendations

The rapid rise of the video visitation industry has received shockingly little attention, especially given the potential for this technology to serve as an end-run around existing FCC regulation. Right now, while the service is still new and evolving, we have a unique opportunity to shape the future of this industry; lest its worst practices become entrenched as standard procedure. While this report identifies some clear negative patterns — namely the frequency by which jails ban in-person visitation after adopting this technology — the diversity of practices in this market gives us hope that video visitation *could* be positive for both facilities and families.

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[86] Through the Texas Open Records Act, we requested and received the number of remote video visits and the video visit commissions in Travis County, Texas from September 2013 to September 2014. Since we have the contract for video visitation, we know that the commission provided to Travis County is 23% and were able to calculate the revenue. We also know that video visits in Travis County are 20-minutes long so we were able to calculate the total minutes of remote video visitation used per month and the rate charged per month. We used the average daily population in 2010 provided in the Travis County Justice System Profile to calculate the average minutes per incarcerated person per month. See Exhibit 15 for the Travis County contract and Exhibit 16 for the commission and visitation data.

The Federal Communications Commission should:

1. **After regulating both in-state telephone call rates and the unreasonable fees charged by the prison and jail telephone companies**, the FCC should regulate the video visitation industry so that the industry does not shift voice calls to video visits. The proposed regulations should build on comprehensive phone regulations to include rate caps for video visitation.
2. **Prohibit companies from banning in-person visitation.** The FCC should require companies, as part of their annual certification, to attest that they do not require any of their contracting facilities to ban in-person visitation. This requirement would not stop the sheriffs from taking such a regressive step on their own, but it would be a powerful deterrent.
3. **Prohibit the companies from signing contracts that bundle regulated and unregulated products together.** Requiring that facilities bid and contract for these services separately would end the current cross-subsidization. Alternatively, the FCC could strengthen safeguards when allowing the bundling of communications services in correctional facilities, to ensure that the facilities are better able to separately review advanced communications services as part of the Request for Proposals process. Either approach needs to enable all stakeholders to understand these services, their value, and the financial terms of the contracts.
4. **Consider developing minimum quality standards of resolution, refresh rate, lag, and audio sync for paid video visitation.** We note that JPay's official bandwidth requirements are extremely low, and that in our test the facility struggled to provide even that bandwidth. The FCC could collect comments that review the academic literature on the appropriate thresholds for effective human video communication and devise appropriate standards.
5. **Require family- and consumer-friendly features such as charging per-minute rather than per visit.** As the experiences of TurnKey and HomeWAV demonstrate, not every conversation needs to take the same amount of time. It is both fairer and more conducive to greater communication to charge for actual usage.

State regulators and legislatures should:

1. **Immediately catch up and implement regulations** like that of the Alabama Public Service Commission that actively regulate not only the prison and jail telephone industry but also these companies' video visitation products.[87]
2. **Statutorily prohibit county jails from signing contracts that ban in-person visitation.** These statutes should recognize that video visitation is a potentially useful supplement to existing visitation

[87] Alabama Public Service Commission, *Further Order Adopting Revised Inmate Phone Service Rules*, Docket 15957 (Montgomery, AL: Alabama Public Service Commission, July 7, 2014). Accessed on December 2014 from: http://www.psc.state.al.us/telecom/Engineering/documents/July_7_2014_ICS_Order_TOC.pdf.

systems, but never a replacement.[88] Further, while facilities routinely restrict visitation as part of their disciplinary procedures, such internal rules have no place in a contract with a telecommunications provider.

Correctional officials and procurement officials should:

1. **Explicitly protect in-person visits and treat video only as a supplemental option.** Social science research and correctional best practices, as put forth by the American Correctional Association and the American Bar Association, encourage visitation because it is crucial to preventing recidivism and facilitating successful rehabilitation. Video could be beneficial as an additional option for communication, but facilities should ensure that they do not approve video contracts that will later lead to the banning of in-person visits.
2. **Refuse commissions. Commissions drive up the cost to families which leads directly to lower communication.** Particularly when introducing new services like video visitation, facilities should resist the penny-wise and pound-foolish temptation provided by commissions.
3. **Scrutinize contracts for expensive bells and whistles that facilities do not want or need.** Insist on removing these items and instead having the rates lowered or, if they choose to receive a commission, having that commission increased.
4. **When putting in video visitation systems, put some thought in to where the terminals are located so as to maximize privacy**. Existing visitation systems allow for monitored but otherwise private conversations, but putting video visitation terminals into busy pods of cells and day rooms can reduce the benefits of a family visit.
5. **Refuse to sign contracts that give private companies control over correctional decisions**, including visitation schedules, when it is acceptable to limit an incarcerated person's visitation privileges, or the ability of people in correctional custody to move within the facility.
6. **Refuse to sign contracts that bundle multiple services together.** Contracts for one service that contain a discount because of other contracts are fine, but bundling multiple services together makes it impossible to determine whether you are getting a good deal.
7. **Consider the benefits of providing incarcerated people a minimum number of free visits per month**. This minimal investment could reap large dividends for families and for reducing recidivism.
8. **Invite bids where the facility purchases equipment from the companies** instead of requiring that all bids be submitted on a no-

[88] A potential model is S.B. 231 (Whitmire) in Texas's 84th legislative session (2015), which would require Texas jails to provide each incarcerated person with a minimum of two in-person, through-the-glass visits per week.

cost basis.[89] Having the company finance the equipment and installation just increases the costs to families and cuts into any commission the facility chooses to receive.

9. **Experiment with regional video visitation centers for your state prison system and remote jails.** Regional centers serve as a great supplement to existing visitation systems. The centers operated by the Virginia Department of Corrections could serve as a possible model.
10. **Insist on contracts where companies list and justify not just the cost of each video visit, but all fees to be charged to families.** Lowering the fees keeps more money in families' pockets, making it easier for them to use the video visitation system more. This will have positive results both for reducing recidivism and also for any commission that the facility chooses to receive. For examples of questions that should be asked of prospective companies and evidence that such questions can bring about significant decreases in fees, see Securus's response to such questions as part of the Request for Proposals process in Dallas, Texas.[90]
11. **If the facility allows the company to install any terminals for onsite visitation use by visitors, do not neglect basic issues like privacy partitions** between the terminals and height-adjustable seats so that children and adults of various heights can see the screen and be visible on camera.

Companies should:

1. **Improve the product so that people will choose to use it even when they are not being forced to do so.** Areas of improvement include cost, video quality, usability of websites, streamlining the reservation process, and improving customer support.
2. **Experiment with ways to market the products that are more creative than banning in-person visitation.** Encouraging facilities to maintain traditional visitation — as TurnKey's experience has shown — increases demand for offsite visitation products.
3. **Take advantage of existing technology to improve eye contact for video visits.** Specifically, reduce the vertical distance between the camera and the screen and experiment with integrating the camera behind the screen of onsite terminals. The basic technology for this already exists. For example, the Prison Policy Initiative purchased a $50 device that mounts over a webcam that repositions the on-screen video, allowing us to look directly into the lens while also seeing the people we are doing remote presentations with.[91]

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[89] There is precedent. In Rutherford County, Tennessee's contract with City Tele Coin Company, the company is paying the full costs of video visitation up-front, but the County will be paying the company back for the video visitation system in 48 deductions of phone commissions. At the end of the 48 months, the County will own the video visitation system. For the contract, see Exhibit 27.

[90] For the Securus response to Dallas County, Texas, see Exhibit 9.

[91] See the device demonstration of Bodelin Technologies's See Eye 2 Eye at: https://www.youtube.com/watch?v=8n7n4n6SYlc

4. **Support more operating systems and mobile devices**. JPay, HomeWAV, and TurnKey Corrections support mobile devices, Renovo only added support for Apple computers in late 2014, and Securus and ICSolutions still do not support Apple computers.
5. **Experiment with allowing incoming video visits without an appointment.** Most prisons and jails do not require appointments for traditional visits and TurnKey and HomeWAV's video visitation systems do not require appointments either.

A VICTORY IN DALLAS COUNTY: PRESERVING IN-PERSON VISITATION

All too often, video visitation quietly replaces in-person visitation before families and the public can respond and resist.[101] Dallas was different. Prompted by County Judge Clay Jenkins, the people of Dallas stood up to jail telephone giant Securus who wanted the county to ban in-person visitation as part of its new video visitation contract. Securus initially proposed to ban in-person visitation, replacing it with a combination of onsite video visitation available for free for "no more than twenty (20) hours per week" and $10 offsite video visits.

In September 2014 when County Commissioners first discussed the Securus proposal, a diverse group of Dallas County community members expressed their disapproval in *hours* of eloquent and unanimous testimony. The Commissioners later said that the proposal to ban in-person visits had generated more attention than anything else in the recent history of the Commissioners Court. The public effectively convinced the commissioners that ending in-person visitation would be detrimental to recidivism and that, as taxpayers, they had no interest in punishing the county's most vulnerable families with high rates to keep in touch. There were two crucial victories, with the county pledging to:

- Forego a commission on video visitation.
- Preserve in-person visitation.

The Dallas County example is very important for anyone hoping to challenge harmful video visitation contracts. The county was able to stop the contract before it was too late due to a combination of important steps. First, Judge Jenkins was alarmed by the contract and decided to act on it, reaching out to groups such as Texas CURE, SumOfUs, and the Prison Policy Initiative to learn more about best practices in video visitation. The county learned how to address Securus's ambiguities, asking about additional fees that are not included in the phone and video visitation rates and whether Securus was requiring "any changes to [their] in-person visitation policies."

In person and in writing, Texas residents spoke out about the video visitation trend that had been developing in Texas jails. In just a matter of hours, SumOfUs collected 2,053 petitions from Texas residents urging Dallas County Commissioners to reject the Securus contract. The editorial boards of *The Dallas Morning News*, the *Austin American-Statesman*, and the *Houston Chronicle* unanimously declared that ending in-person visitation would be extremely shortsighted. In his remarks, Judge Jenkins emphasized just how rare it was for the public and the media to speak with just one loud, unanimous voice on an issue.

Ultimately, Dallas County did approve a Securus contract but with one concerning clause that led Judge Jenkins and advocates to oppose the final contract for fear that it was preparing the county to ban in-person visitation in the near future. The final contract requires Securus to provide 50 onsite visitor-side terminals, which in fact would only be needed if the county were planning to revoke its pledge to preserve traditional visitation through glass. Judge Jenkins read into the record a lengthy list of counties that banned in-person visits when they implemented onsite video visitation.[102] He was rightly concerned that it simply did not make economic sense for Securus to invest in these terminals unless they were part of plan to encourage paid offsite video visitation.[103]

While advocates are going to need to carefully monitor the jail to ensure that it upholds the spirit and letter of the Commissioners Court's order to preserve free in-person visitation, this was a big victory with at least three lessons for other jurisdictions facing video visitation proposals:

1. The public must be activated, and it must be involved early.
2. County officials are easily confused by complicated contracts that bundle together services that the county does not necessarily want. Some of these services cut into the county's potential commissions, and some even come with clauses that could commit the county to future expenditures.[104]
3. Pushing the companies to lower rates and fees actually works. For example, Securus renegotiated its contract with Western Union to reduce its charge for payments from $11.95 to $5.95.[105]

[101] See sidebar, Families find the promises most misleading of all, on page 16.

[102] For our current list of facilities that replace in-person, through-the-glass visits with onsite video visits, see Exhibit 29.

[103] One county employee argued at the November 11, 2014 Dallas County Commissioners Court that the terminals might never be built for the simple reason that the jail has no space for these terminals. This defense raises even more questions. Will the county later construct a building to hold the terminals? Does that make it even stranger that Securus would offer to provide technology that — at best — might never be used? One would think that Securus would prioritize lowering the rates or increasing its profits over providing the county with white elephants.

[104] At the November 11, 2014 meeting, employees of Global Tel*Link warned the commissioners that the 10 pages of additional items could end up costing the county millions.

[105] See page 3 of the Securus response in Exhibit 9.

TABLE OF EXHIBITS

All exhibits cited in *Screening Out Family Time* are available at http://www.prisonpolicy.org/visitation/

Exhibit	Title
1	Facilities with Video Visitation
2	New Mexico Corrections Department Contract with PB&J Family Services
3	Global Tel*Link Reply to Alabama Order
4	Chippewa County, Wisconsin Securus Contract
5	Washington County, Oregon Telmate Contract
6	Washington County, Idaho Telmate Contract
7	Dallas County, Texas Approved Securus Contract
8	Dallas County, Texas Proposed Securus Contract
9	Securus Dallas County Additional BAFO Responses
10	Placer County, California ICSolutions Contract
11	Fee Breakdown
12	Maricopa County, Arizona Securus Contract and Proposal
13	Charlotte County, Florida Earnings August 2014
14	Collier County, Florida Securus Contract
15	Travis County, Texas Securus Contract
16	Travis County, Texas Commission and Visitation Data
17	Travis County, Texas Lawsuit Amended Complaint
18	Saunders County, Nebraska Securus Contract
19	Windows Only Companies
20	Securus Shawnee County, Kansas Financial Proposal
21	Adams County, Illinois Securus Contract
22	Tazewell County, Illinois Securus Contract
23	Adams County, Mississippi HomeWAV Contract and Visitation Policy
24	Portsmouth County, Virginia HomeWAV Contract and Brochure
25	Lemhi County, Idaho TurnKey Contract
26	Jefferson County, Idaho TurnKey Contract
27	Rutherford County, Tennessee City Tele Coin Company Contract
28	New Orleans Motion
29	Counties with Bans on In-person Visits