

EXHIBIT 2

January 11, 2017
Video Visitation Comment
Re: #Solutions2020 Call to Action Plan

Video Visitation Press from March 2016-January 2017

PRISON
POLICY INITIATIVE

Sheriff to discontinue video visitation at jail



(<http://www.natchezdemocrat.com/author/vershalhogan/>)

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By vershal hogan

The Natchez Democrat

NATCHEZ – Visitation at the Adams County Jail is going from digital to analog.

Adams County Sheriff Travis Patten said this week that starting April 29 the jail would scrap the Homeway video visitation program in favor of a traditional jail visitation program.

The video visitation system was installed under the former sheriff's administration in 2013, completely replacing in-person visitation for inmates.

Using the video systems, family members of inmates would install an app on their phone or computer that would allow them to send a message to an inmate in the jail.

The message would register in a terminal in an inmate common area, and upon seeing it the inmate would return the message using the video terminal, allowing what amounted to a video conference between the inmate and his or her visitor.

The video calls were limited to 20 minutes, and came at a cost of 50 cents a minute.

That was a big part of the problem, Patten said, when families couldn't keep up with the cost of checking in on an incarcerated loved one.

"A lot of people couldn't afford those calls," he said. "We know that if someone is in the jail they've done something to be there, but I think everybody should have the right to check in on their child (in jail) and make sure they're OK."

Visitation will return to the pre-2013 format, with in-person visits across a table with a glass barrier between the inmate and those visiting him or her, Patten said.

The Adams County Sheriff's Office is also working with the Mississippi Department of Human Services to allow offenders who have shown good behavior a chance to visit with children under the custody of the DHS.

While the visitation policy will require that children be 12 or older during visits, Paten said offenders working with DHS will be granted a special visit with children younger than 12 with a DHS protective service worker or social worker present on Wednesdays.

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Jail Video Visitation Falls Short on Usage, Revenue Expectations

Gone are the days of being able to look into a loved one’s eyes during a visit at the Bastrop County Jail. Instead, a “visit” today includes connection lag, static and glitches. That’s because in November 2014 the Bastrop

by Selah Maya Zigelboim (<https://www.texasobserver.com/maya-zigelboim/>)

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Texas Jail Project (<http://www.texasjailproject.org/wp-content/uploads/2014/07/jail-visit.jpg>)

Video visitation was marketed to Texas jails as a money-saving safety improvement, but instead the technology is rarely used and, advocates say, detrimental to rehabilitation.

sheriff made the decision to replace in-person visitation with a Skype-like video system

(<https://www.texasobserver.org/tag/video-visitation/>) marketed as a money-saving safety improvement.

But public records obtained by the *Observer* show that remote video visitation is used only a few dozen times each month, and the county has only earned a few thousand

dollars, all of which has gone into paying for a system that critics say is expensive and fraught with technical difficulties.

To “see” someone at the Bastrop County Jail, visitors must either go to the jail and use the video system for free, or log in remotely for \$1 per minute. The county receives 20 percent of the revenue; the remainder goes to Securus, the private company that handles inmate phone calls, emails and video visitations.

Bernadette Rabuy, an analyst at the nonprofit Prison Policy Initiative (<http://www.prisonpolicy.org/>), says the Bastrop jail is among hundreds around the nation that have failed to meet revenue expectations from video visitation systems.

“Video visitation isn’t bringing in anywhere near the amount of money it was supposed to,” Rabuy wrote in an email. “This is likely

because of the low demand for these services, which is most likely the result of the high price charged for remote video visits.”

From November 2014 to September 2015, inmates at the Bastrop County Jail made video calls 49 times per month on average, according to public records. They made 2,444 telephone calls per month on average during the same period.

Charles Littleton, chief deputy at the Bastrop County Sheriff’s Office, told the *Observer* that his anecdotal experience tracks with the *Observer*’s numbers. Incarcerated people, he said, do not use the remote video visitation system as often as the phone system, which is cheaper. The phone system is also more convenient than the free on-site video visitation, as incarcerated people and their families can use the phone system as much as they want.

“Whether it’s [on-site] video visitation or face-to-face, we limit the people to two 20-minute visits a week,” Littleton said. “So [phone use] fills the gap, whichever way that is, because they can call their girlfriends or boyfriends all day long or after they get off work.”

Bastrop County Jail has 36 video visitation units. Securus paid for the first 26 units, but the sheriff’s office later asked for 10 more, promising to repay the company. Bastrop is using its portion of the proceeds from the remote video calls to pay back Securus for the machines — about \$23,000 in all. Bastrop has so far been able to pay off about one unit per year, which means the jail will see no video visitation revenue until 2025.

In contrast, the jail earned nearly \$84,000 from phone calls during that same period of time.

It's not just the high cost of remote video visitation that keeps families and incarcerated people from using the system. The calls themselves are often riddled with technical difficulties, according to Kymberlie Quong Charles, a criminal justice program coordinator at Grassroots Leadership (<https://www.texasobserver.org/tag/grassroots-leadership/>), an Austin group that fights for-profit incarceration. Factor in the costs of remote video visitation, and incarcerated people and their families are reluctant to use the system.

According to Littleton, Bastrop did not intend to make money from video commissions. He said the jail sought to minimize inmate movement and cut down on manpower needed for in-person visitation, which Littleton says they've accomplished.

Advocates say that eliminating in-person visitation can have a detrimental psychological impact on inmates. According

to Quong Charles, in-person visitation is essential for rehabilitation.

“It seems like the industry has operated on this assumption that everybody’s communicating through video chat these days, and of course people are going to want to do that for visits,” Charles said. “To them, it’s a business, it’s an opportunity, it’s a cash cow. They don’t see it as a vital part of providing emotional support and critical connections.”

Selah Maya is an intern at the *Texas Observer*, a journalism junior at the University of Texas and a copy editor for the student-run ORANGE magazine.

Read More: Bastrop County Jail (<https://www.texasobserver.org/tag/bastrop-county-jail/>), Criminal Justice (<https://www.texasobserver.org/tag/criminal-justice/>), jail (<https://www.texasobserver.org/tag/jail/>), Securus Technologies (<https://www.texasobserver.org/tag/securus-technologies/>), video visitation (<https://www.texasobserver.org/tag/video-visitation/>)

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The Opinion Pages | OP-ED CONTRIBUTOR

A Virtual Visit to a Relative in Jail

By MAYA SCHENWAR SEPT. 29, 2016

Chicago — “Are you tired of taking the time to drive to the jail and wait in long lines for your visit?” asks the website of Securus, a private company that manages phones in jails and prisons throughout the United States. “Visit your loved one from the comfort of your home using a computer.”

Computer-based video visitation, a service that Securus provides for a fee, can indeed be a helpful option: It allows people in jail or prison to see loved ones who can't visit in person for whatever reason — the long distance, disability, illness, a busy schedule or responsibilities at home. However, what Securus doesn't advertise is that, in many cases, you're not allowed to visit any other way.

In county jails, when video visitation is introduced, in-person visitation is typically banned. (Securus's contracts with jails have sometimes mandated this ban, though recently the company announced that its contracts would no longer include the requirement.) Jails are embracing the practice, in part because video visitation is less time-consuming and requires fewer staff members than in-person visits. More than 13 percent of local jails in the United States now use video visitation, and at most of those jails, in-person visits have been abolished, according to research by the Prison Policy Initiative.

When my sister began serving a sentence at the Lake County jail outside Chicago in July, I experienced this practice firsthand. When she first called me from the jail, I planned to drive over immediately to see her. My sister had been incarcerated before, and I'd always relied on regular visits to help show my love and

support. But I discovered that in-person visits were not allowed. All “visits” were to be conducted via video, through Securus’s system.

My options were to schedule a video visit at the facility (sitting in a booth alone) or at home. I scheduled an at-home visit, paying \$5 for the privilege. Many jails charge more, but even \$5, at regular intervals, can be a burden to families of incarcerated people, who are often poor. A report from the Ella Baker Center for Human Rights found that one-third of families of incarcerated people went into debt to cover the cost of phone calls and visits, a burden that fell heaviest on women of color.

Moreover, at Lake County and a number of other jails that allow visits only by video, visits must be booked 24 hours ahead of time, which can be an impediment for families struggling to juggle busy schedules with the obligations that come with having an adult (often the primary wage earner) missing from a household.

In my attempt to visit with my sister by video, my visitation privileges were initially denied because of a blurry ID photo: Securus requires that you take a picture of your ID card with your webcam, an endeavor that’s harder than it sounds. This delayed me by a couple of days.

Eventually, I was able to schedule a visitation. The day before, I spent an hour researching and downloading the necessary system requirements for my computer. For people with an older or otherwise incompatible computer or less knowledge of technology — not an unlikely scenario, given the demographics of families of incarcerated people — those requirements could prevent a visit.

My preparation did me no good. I signed on at the required time ... and waited. The minutes ticked by as a box telling me my “inmate” hadn’t yet arrived hovered on my screen (although my sister later confirmed she’d been present). After 10 minutes, I called Securus’s tech support. There are no extensions with video visitation; after the half-hour slot you’ve paid for has passed, your connection is cut. I sat on the phone with a helpless tech person, crying. I knew my sister would be devastated. I was worried she’d think I hadn’t shown up.

After a half-hour, the box disappeared. My visit was over. Despite several follow-up calls to tech support and emails to Securus, I never found out why it hadn't worked.

The second time I tried a video visit, I succeeded in connecting. I was relieved when my sister's face popped up on my screen. But our video conversation was glitchy: Her face was dim and her words were delayed and didn't sync with the movements of her mouth. For much of the visit I saw only half her head, and neither of us could look each other in the eye, no matter how much I fiddled with my setup.

These problems weren't unique to my experience: Technological issues are a common complaint with such visits. When the camera flickered off at the half-hour mark, I felt our conversation had hardly begun.

The practical benefits of face-to-face visits for people in jail are well established: They help them maintain a connection to the outside world and prepare them for life after release, reducing recidivism. But more fundamentally, incarcerated people are human beings, and denying them personal contact with those they love is yet another indignity of the prison system.

Even the best visitation policies can't make up for the broken bonds and fragmented communities that incarceration produces. Even the longest, most well-accommodated in-person visit can't substitute for living in the world. But at least we can allow people in jail to see their loved ones face to face.

Maya Schenwar, the editor in chief of Truthout, is the author of "Locked Down, Locked Out: Why Prison Doesn't Work and How We Can Do Better."

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Worlds Apart

*Video-only “visitation” shrouds the
reality of life in custody*

Sarah Beller

November 14, 2016

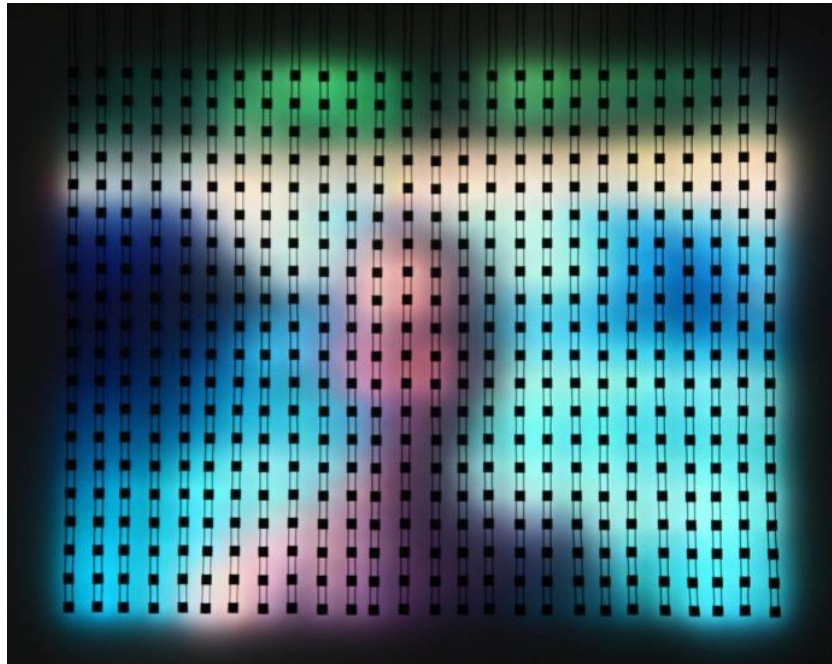


Image: *Home Movies, Pause (David)* (2014) by Jim Campbell. Courtesy of the artist.

Laura's younger brother whom I'll call John, age 26, had been addicted to heroin for a while. In December he was arrested for burglary. He had been arrested before, spending a night or two in jail, but this was the first time he couldn't get out. His bond was set at \$10,000 cash only.

That's how Laura learned about "My Tech Friends," a company that sells technology to jails and prisons for use in commissaries, phone calls, and remote video visitation — the only way she can communicate with her brother while he waits in Clark County Jail, Indiana. While the jail doesn't technically disallow in-person visits to all inmates, John says he's never

heard of anyone having one. Like most people in jail, he's only stuck there because his family can't afford the bail while he waits for his trial. In John's case, that could take quite a while. He does have a lawyer — a public defender, whom he hopes is good. But it's not like he's ever met him, or even talked to him on the phone. His lawyer has communicated with him by letter a few times in the nine months he's been in the jail so far.

Laura and John's parents, who live 40 minutes away, visit weekly. But they're only allowed to see him over video chat from a separate room at the facility. At Clark County, video visitation is free if you go to the jail; you can chat remotely, from home or wherever you have an internet connection, but you're charged \$5 per 15 minutes. According to the Prison Policy Initiative, a research and advocacy organization challenging over-criminalization and mass incarceration, jails that provide free video visiting onsite often limit those visits to brief periods during the weekday, when people are at work and school, to encourage the costlier remote chats. Some other jails charge for use of the technology even if you do come to the facility. Video visits make the most sense in state and federal prisons, which can often be far

away and difficult and/or expensive for families to get to — the technology could save families travel costs and prevent them from having to miss work and school. But it's been local jails that have most embraced the technology.

Certain flaws in carceral video technology, like blackouts when a visitor's head leaves the screen, are “security features” rather than bugs, and others may be key sources of revenue

Even in jails, video visiting *could* be a helpful supplement to traditional in-person visits. It could save children the traumatic experience of entering a jail and seeing a parent trapped inside; it could save visitors and prisons the emotional, temporal, and financial costs of intense processing and search procedures. It could increase flexibility in visiting hours and expand visiting opportunities, say from home-

bound family members, clergy, and other members of a community. It could be used in reentry planning, to connect prisoners with reentry programs prior to release. In-person visits are highly mediated, too: Even before video visiting was implemented in the 1990s, most counties had eliminated “contact” visits where visitors and prisoners could touch. Following this logic, the industry claims that video visiting can provide easy, convenient communication with loved ones.

But while much of the technology’s potential lies in its use as a *supplement* to in-person visits, jail facilities throughout the country are increasingly adopting the costly technology *in place of* in-person interactions. More than 13 percent of local jails in the United States now use video visitation, and most of them (74 percent), banned in-person visits after adding the new technology, according to research by the Prison Policy Initiative (PPI). Securus, one of the most powerful companies in the phone and video visit industry, has in the past required the termination of in-person visits in their contracts, although thanks to advocacy they have recently announced they will no longer do so. Just last month, Governor Jerry Brown of California vetoed a bill that would have forced

jails who adopted the video-visit technology to keep in-person visitation available. At least 11 counties in California have so far eliminated, plan to eliminate, or severely restrict in-person visitation in favor of video visiting technology, which families and activists say is a poor substitute.

As the Department of Justice stated in a 2014 report, in-person visiting helps maintain family stability, reduces disciplinary infractions and violence, and reduces recidivism. We don't know if video visiting in its place would have the same effects, but it seems unlikely. Not least because video visitation technology frequently fails to work effectively — or, more accurately, it succeeds at working poorly.



“People compare video visiting to Skype or FaceTime,” says Bernadette Rabuy, Senior Policy Analyst of PPI, “because that’s an easy way to explain what’s going on. But it’s not like those services.” Skype and FaceTime are designed to allow us to feel together when we’re apart: long-distance couples use them to keep in touch; some therapists and doctors now conduct clinical sessions over video. The video visiting

technology used in the carceral setting can do the opposite: make people feel worlds apart, when they might really just be on opposite ends of a jail. The technology seems designed to prevent intimacy and create a sense of disconnection. If Skype can simulate the feeling of being in a room with someone, carceral video technology can simulate something like being in a room filled with a dense fog and loud static; if you stretch out your hand in front of you, it's not clear what you'll touch, or whether you'll touch anything at all.

When Laura tried to video visit John from where she lives, in another state, “it wasn't worth it,” she says. “My brother answered the call, and I could tell he just thought it was gonna be a waste of time because he'd seen other inmates doing it. I was trying to show him, with my computer screen, the outside of the house I was in, just so he could see some outdoors, because he hasn't been outside in a year. But every time you move your face away from the screen's camera it goes black. I thought that was a technical glitch, but based on an email I received, that's an intentional technology they have on it to try to prevent flashing of gang signs, or someone showing pornography.”

In the ad copy on its website, Tech Friends

reveals the cause: “What’s the biggest fear with remote video visitation? Lewd or inappropriate content coming into your facility. While other vendors offer you the ability to monitor video using your personnel, the Eclipse technology eliminates it. See for yourself.”

“This is a vulnerable population that they are working with — the companies can get away with a bad product. If family members are having issues they might not have a phone number to call”

The link takes you to a YouTube video. A stock-photo pops up, one that can only have resulted from the search term “naughty cop”: a woman lying on her back, legs in the air, with a black police hat hanging jauntily off one foot. A black screen swipes across her body, leaving only a small square of her head visible. Above her head, words appear: “It’s all about CONTROL.”

The image fades, and loud buzzing feedback plays. We then watch a role-play of a simulated video visit between an “inmate” and an older, father figure. The simulation has the feel of an ’80s PSA, with the kind of acting that’s so fake you wonder why they bothered to stage it. Both the “inmate” and the “visitor” appear uncomfortable; they speak over each other, and generally seem to have trouble connecting, technologically and emotionally. “[It] looks like a dungeon here,” the inmate says. “Cold.”

“Right,” says the visitor. “Well, this video calling stuff’s pretty cool.”

“Yeah, I guess so, if you want to see people on the outside. Makes you homesick—”

“You’ve got a lot of people who want to see you in jail,” the visitor interrupts. “We could probably sell this video.”

The audio is horrible, the buzzing incessant. When the visitor moves out of the frame, the visuals on his screen go black.

The skit seems like an ineffective advertisement, until you remember that Tech Friends isn’t marketed to people in prison, or their families on the outside. It’s marketed to corrections departments. According to Prison

Policy Initiative, which has been working to get the Federal Communications Commission (FCC) to address this issue since 2014, many of the problems with video visiting “are the inevitable result of the failed market structure: the companies consider the facilities — not the families paying the bills — as their customers.” Tech Friends is betting that a sheriff’s main goal isn’t enabling good communication between prisoners and their families.

Certain flaws in the technology, like blackouts when a visitor’s head leaves the screen, are “security features” rather than bugs. And others, like time delays, glitchiness, cutting in and out, sudden hangups, and lack of user support, may be key sources of revenue. As in the telephone industry, which PPI and families have been calling on the FCC to intervene in for over a decade, companies “find it economically advantageous to use poorly calibrated security systems to drop phone calls and trigger additional connection charges,” PPI reports. And it’s profitable for the prison and jails too, who sometimes get a portion of revenue kicked back to them, in the form of “commissions” from each visit. Before advocates stepped in, some children had to pay up to \$1 per minute to talk to an incarcerated parent. Now the fees are

lower, but there is also a long list of fees for other “services,” like setting up an account, closing an account, and even processing a payment.

“This is a vulnerable population that they are working with — the companies can get away with a bad product,” says Bernadette Rabuy. “If you had a problem [in the outside world] you might call the company, or online chat with them. With these families, if the family members are having an issue they might not even be able to have a phone number to call.”

A then-representative from a Missouri county purchasing department told a reporter, “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.”



Video visiting makes it more difficult for families to know how someone’s really doing. At one point in the Tech Friends demonstration video, the “inmate” asks if the “visitor” would send money for commissary. “I don’t think so,” the visitor says. “We’ve been through this before

... it'll just get spent on someone else.”

“Oh, you think I’m getting pushed around in here?”

“I know you’re getting pushed around there.”

The inmate brings his head close to the screen, which moves in a lunging, time-delayed manner. “Look,” he says, “no bruises.” His face is blurry.

During video visits, families struggle to clearly see the incarcerated person, and instead face a pixelated or sometimes frozen image. Video chat confuses your senses: It’s a jerky, indistinct, distorted version of an interaction. “You can’t really assess their health, their skin tone,” Laura says. “You can’t really assess whether or not the jail is doing something really wrong.” For her, “It’s very dehumanizing to be told you can’t be in the same room, even for a short time, as the person you love.” The effects are worst, Laura says, for people who have young children. “[Kids] don’t know what’s happening. They can’t communicate over the computer. It keeps children away from their parents.”

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monitored, in person
you can whisper,
murmur, mutter,
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Another big problem with video chats, especially bad ones: “You can’t make eye contact.” In her book *Alone Together: Why We Expect More from Technology and Less From Each Other*, MIT professor Sherry Turkle writes that robots who can make eye contact are key to human acceptance of artificial intelligence — without eye contact, machines can fall into the “uncanny valley,” and a person can seem not quite human. With video visitation, there’s a sense that you can’t experience the full reality of the person on the other end of the camera; nor can they experience yours. On top of that is the paranoia of knowing you’re under surveillance, or, even worse, that you *may* be. At the bottom of the screen runs the text: “This

call may be monitored or recorded.” In-person visitation is heavily monitored, too, but in person you can whisper, murmur, mutter, imply, suggest and shrug, gestures and intonations that are lost with the video technology used in jails, which can reduce interaction to its crudest features. The lack of intimacy, and ability to communicate subtly in video visits can completely change the dynamic between loved ones.

“You can’t speak freely,” Laura says. “That would be another part of seeing him in person — being able to speak more candidly. Not to say anything bad, but just to ask, like ... how are you really feeling?” On John’s end of the video visit, “he’s in a room with dozens of men. It’s incredibly loud, and he doesn’t want to talk in-depth about his feelings in front of all these men he has to maintain a pecking order with every day.” The necessity of having to articulate something loudly and clearly over video might make it not worth the risk.

When you’re already in an emotionally fragile place, the unpredictability of these video interactions can be further frustrating and traumatizing. When you’re using Tech Friends, Laura says, “you’re really scared they’re gonna cut it off at any minute for something you did.”

Even if “they” don’t cut the feed, internet connections or the technology itself can cause the video to disconnect.



There’s no shortage of much more advanced video technology in jails, though it’s not being installed to help families. *60 Days In*, a reality television show that just concluded its second season on A&E, is set in the very jail where John is locked up, and was filmed during his incarceration. According to Clark County Sheriff Jamey Noel, the show was conceived as a means of exposing criminal behavior within the facility, which was “known for being a violent, sort of terrible place,” in the words of ABC News’ Dan Abrams. Rather than install undercover cops, Noel decided, in collaboration with a production company, to enlist civilians willing to spend 60 days in the jail as plants.

“They came in and installed some pretty high-tech cameras that we’ve never had in our facility before,” Noel told *Entertainment Weekly* — reportedly more than 300 round-the-clock surveillance cameras, worth over \$200,000, which A&E allowed them to keep. First Timers Holdings LLC, the production company, also

paid the jail \$500 a day to film, which Noel says added up to \$51,000 over the two seasons, on top of paying for undercover inmates' meals and reimbursing officers' salaries over the course of filming. Noel, who told reporters that the jail has increased services for inmates since the series began, said that the show resulted in seven officers resigning and five getting fired for unacceptable behavior. He also said the surveillance equipment helped the administration charge inmates with an estimated 35 criminal charges.

Prison authorities were legally obligated to tell the prisoners that they would be filming a TV show, and give them the option of whether or not to appear on camera. They told them the show was a documentary about “first-time inmates.” What they didn't tell the prisoners, or the guards, was that the seven “first-time prisoners” featured were not real prisoners — rather, they were reality show contestants acting as undercover spies. The show's producer says they employed a team of lawyers to make sure they were getting away with as much as they could without technically violating any of the prisoners' rights. “We're not coming out and deceiving anyone,” executive producer Greg Henry told BuzzFeed. “We're just telling them

the doc is about first-timers and that's the place we landed where everyone felt comfortable.”

“All the inmates were excited to watch it on the jail's TVs when it premiered,” Laura says. “But they weren't allowed to.” People who were incarcerated at the time of filming, but have since been released, have said the show was edited for drama. “They did alter a few things to give it a whole different meaning,” DiAundré Newby told *News and Tribune*, “so I'm quite sure that a lot of that had to do with them trying to get ratings and kind of Hollywood it up a little bit.” A&E declined to comment to the publication. A video's distorted version of reality is quite familiar to most of the men and women locked up in Clark County jail, only allowed to see glimpses of the outside in stuttering video snippets, edited and “eclipsed” by Tech Friends. While the jail limits families' access to prisoners, it welcomes TV producers.

**While Clark
County jail limits
families' access to
prisoners, it welcomes
TV producers: The**

blackout of information about the exploding prison population created fodder for collective fantasizing

In some ways, the success of *60 Days In* can trace its origin to the 1970s, when a boom in prison construction was accompanied by a series of laws designed to fill the structures — mandatory minimum sentences, “three strikes” laws, and the “war on drugs.” At the same time, most states also enacted laws making it illegal for convicted authors to receive money for their writing; prison writing programs were defunded, and press access was restricted. The exploding prison population combined with the blackout of information created fodder for collective fantasizing about life in prison.

Neither video visitation nor *60 Days In* bring outsiders any closer to understanding life inside of Clark County Jail. Video visitation software blurs and blacks out the camera and *60 Days In* uses dramatic music, quick cuts, and familiar reality-TV tropes like the “confessional” that

obscure the chronology of events. These distortions can be painful for both prisoners and their loved ones and shroud the reality of life inside.

“Even superficially realistic representations, such as the *Oz* TV serial, end up masking or normalizing America’s vast complex of institutionalized torture,” writes historian Bruce Franklin. “Perhaps the dominant image, promulgated by the very forces that have instituted the prison-building frenzy, envisions prison as a kind of summer camp for vicious criminals, where convicts comfortably loll around watching TV and lifting weights.”

In the penultimate episode of season two, the sheriff, his captain and a criminology professor debrief with one of the undercover contestants, Ashleigh. They ask her if, as a new mom, she was able to maintain relationships with her family while in jail using the technology available. “I know that the policy is no face-to-face visitation here,” she says, “but I feel like that would ease so much stress and tension. I feel like the benefit of someone being able to see their family and know that someone actually is out there and cares, that would really help reduce someone being locked up again.”

At first Laura couldn't bring herself to watch *60 Days In*, because she knew it was filmed while her brother was going through withdrawal from heroin, without access to replacement medication like Suboxone, which the jail didn't allow. It also showed the prisoners corralled in a holding room for days, sleeping on the floor, without adequate water and shower facilities after a sewer pipe burst in the jail.



In terms of regulating the video visiting industry on a federal level, Rabuy of PPI is worried that the FCC will not be able to do anything anytime soon. The FCC is still dealing with legal battles resulting from its attempts to regulate the phone industry, which similarly charges families exorbitant rates to stay in touch with incarcerated family members. Since premiering last March, *60 Days In* has become, according to BuzzFeed, “TV’s No. 1 new unscripted cable series and the network’s No. 1 program.”

The roleplay ad for Tech Friends ends with the “inmate” trying to say something: “Hey, if you see —”

The “father” character speaks over him. “Okay

I'm gonna hang up," he says calmly, with a slight smile. "Enjoy your stay at the 'hotel.'"

"Yeah, yeah, the roach motel," the inmate responds. "Thanks."

As he begins to stand up, both screens freeze. The two men's faces float; it's impossible to tell what they're looking at. All you can hear is loud buzzing. ●

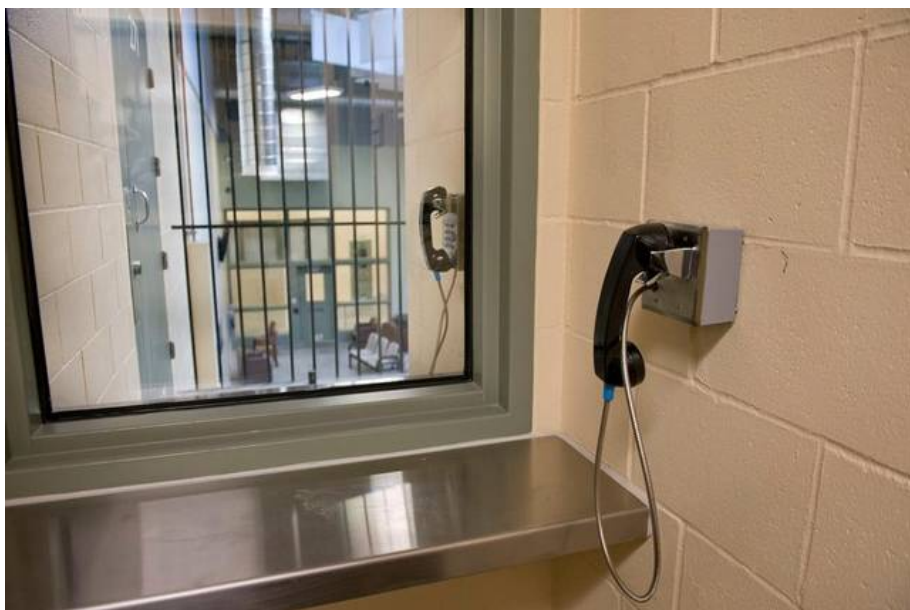
Sarah Beller is a social worker and writer.

SOAPBOX AUGUST 15, 2016 3:00 PM

Banning real jail visits punishes inmates' families

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The new Placer County jail allows inmates to speak to visitors with a phone and see them through glass, but some California jails have banned in-person visits. **Hector Amezcua** - Sacramento Bee file

BY LYNN WU

Special to The Bee

The last time Le'Char Toki saw her husband face to face was Thanksgiving 2014 when she drove their three children to the Solano County Claybank Detention Facility for a visit. As her 2-year-old son and his father pressed their hands together against the window between them, she felt her husband's laughter through the vibrations in the glass.

But in December 2014, Solano County banned in-person visits at Claybank and replaced them with video calls. Similar bans have been instituted at jails across the state. Nine counties prohibit in-person visits; nine others plan to renovate or build jails with no space for in-person visits, even with an unprecedented jail-building boom.

At Claybank and most other jails that have banned in-person visits, families and friends now have two options to “see” their incarcerated loved ones: Those with a webcam, credit card and high-speed internet access can call from home, paying as much as \$1 a minute. Others must travel to the jail and use a grainy video screen.




The Legislature has a chance to right this wrong. Senate Bill 1157, authored by Sen. Holly Mitchell, a Los Angeles Democrat, would require jails using video calls to also provide in-person visitation. The bill has garnered bipartisan support, was passed by the Senate on June 1 and is set for a vote on the Assembly floor on Thursday.

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Nearly 14,000 Californians have signed a petition supporting the bill. In-person visitation is an integral part of strengthening family connections between inmates and their loved ones, especially children. About 856,000 children have a parent behind bars, on parole or on probation, which has been linked to impaired social and emotional development.

The U.S. Department of Justice also found that inmates who get in-person visits have fewer discipline problems, are more likely to get a job when released, and are less likely to commit other crimes. Just one visit has been shown to decrease recidivism.

Opponents of the bill argue that in-person visitation increases the risk of contraband being smuggled into jails and harm to correctional officers. However, one study found a 41 percent

increase in overall disciplinary incidents after video calls replaced in-person visitation. Those favoring a ban on visitation claim that video systems allow for more frequent communication with incarcerated family members, but again the data show otherwise.

So why are jails replacing in-person visitation with video calls? Money is one motivator.

In 2015, the Federal Communications Commission capped phone rates in jails and prisons after finding exorbitant charges. Scrambling to find new ways to profit off families, companies began marketing video call systems, offering commissions on video calls that have no rate limit. Some companies even require that jails ban in-person visits, leaving video systems as the only option.

California must stop corporate greed from making it harder for family members to communicate with their incarcerated loved ones. We must pass SB 1157 now.

Lynn Wu is a staff attorney and Juvenile Justice Policy and Projects Manager at the Prison Law Office. She can be contacted at lwu@prisonlaw.com.

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Punishing Families: How the Prison Communication Industry Weakens Family Ties

Wednesday, May 11, 2016

By Emily Pollom (/author/itemlist/user/52202), Speakout (<http://truth-out.org/speakout>) | Op-Ed

Anyone who has had a loved one locked up knows it's not easy. But I didn't realize how much it would feel like being kicked while you're already down. My brother has been incarcerated in a county jail in southern Indiana since December 2015, and has yet to be convicted. Trying to support him has been an uphill struggle.

The first kick came when I learned that my parents and I can't even see my brother face-to-face. Instead, my parents and I are forced to go to the jail to "visit" through video. The jail doesn't see the difference, but looking at his face through a tiny scratched up screen, through which eye contact is impossible, can only be called a "visit" with the best of imaginations.



Jails nationwide are replacing in-person visitation with video visitation, leaving families feeling the strain of separation even more acutely. (Photo: Courtesy of Emily Pollom)

According to the criminal legal system research nonprofit, Prison Policy Initiative (<http://www.prisonpolicy.org/>), hundreds of jails nationwide, persuaded by private tech companies hawking their new product, have given in to this same harmful thinking to largely eliminate in-person visitation.

But these jails are ignoring how much this video "innovation" fails. On Christmas, I saw a family arrive with young children dressed up in their finest attire to visit their incarcerated parent. What did they get for choosing to spend their Christmas in a jail? The visit was cut short to three minutes because of technical glitches. It was heartbreaking.



In order to visit a loved one free of charge, families must arrive in-person at the jail and "visit" using a video kiosk. (Photo: Courtesy of Emily Pollom)

The sad truth is we're lucky when our visits happen at all. Despite the fact that visitors must schedule video visits 24 hours in advance, visits are canceled at the last minute. Sometimes the internet goes out at the jail. Other times, my brother is in a different part of the jail and no one cared to move him to the area where he can receive video calls.

I'm doing everything I can to stay in touch with my brother, but it often feels like everyone involved is trying to take advantage of our family's hardship. Once, I received an email with the subject line telling me that my brother needed help. My pulse went through the roof. "Is he hurt?" I thought. I opened the email to find it was a marketing strategy that JailATM uses to prey on vulnerable families. It was asking me to purchase a "Gold Access Pass" so that my brother could have greater email access and entertainment options. JailATM should think twice before using triggering marketing tactics to sell its product.

The funny thing is that, on paper, I am the perfect customer for JailATM. I work as a field biologist and move each season, so visiting in-person is difficult. Each week, I send my brother four letters in the mail and a couple emails at fifty cents a pop. At-home video visitation, another product offered by JailATM, should be a great way for me to stay connected, but it's not easy to get yourself to spend hard-earned money on high-cost, low-quality products.

Video visitation could be a win-win-win for families, companies and correctional institutions if technology improves and prices are kept low. It could make it easier for incarcerated persons to connect with their young children and family members who live far away. However, it should be a supplemental option to in-person visitation, not a replacement.

The good news is the Federal Communications Commission (FCC) is trying to protect family members like me from paying too much to companies that don't deserve our money. The FCC approved strong regulations of the related prison and jail phone industry -- which charges \$1 per minute for phone calls -- and requested comment on video visitation last October. Unfortunately yet unsurprisingly, the companies challenged the phone rate caps in court, and the court has temporarily blocked parts of the regulations.

As our country questions whether incarceration is the best way to rehabilitate, can we really justify punishing not only incarcerated people, but their families too? It's time for the Federal Communications Commission to protect captive customers.

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EMILY POLLOM (/AUTHOR/ITEMLIST/USER/52202)

Emily Pollom is a conservation biologist and sister of a person incarcerated in Indiana.

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Raphael Sperry: San Mateo's new jail has no place to visit inmates

By **SPECIAL TO THE MERCURY NEWS**

May 5, 2016 at 11:08 am

San Mateo County's new Maple Street jail is not your typical jail. It features a computer lab, radiant floor heating, and even images of California nature on the walls, which is probably why Supervisor Adrienne Tossier calls it an example of "compassionate corrections."

But one thing the brand new jail lacks is a visiting room. When family members travel to the jail to visit their incarcerated loved ones, they will "visit" via computer screen.

Unfortunately, San Mateo County is not the only county that has eliminated in-person visits. A report produced last year by the nonprofit Prison Policy Initiative found that 74 percent of jails nationwide that adopt video visitation use the technology to replace in-person visits. At least six counties in California have eliminated in-person visitation in one of their jails, even though face-to-face visitation is a correctional best practice.

The American Bar Association's criminal justice standards clearly state, "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."

Architects agree. The American Institute of Architects' Academy of Architecture for Justice sustainable jail design guidelines, which I helped write, recommend that jails "provide robust option for video visitation without supplanting in-person visiting."

Sheriffs like video visiting because it reduces movement within jails, saving staff time. But this is fools' savings: Studies have shown that family visits are one of the best predictors of a successful reentry from jail to society, and even a single in-person visit can reduce recidivism by 13 percent. No research has studied video visitation's impact on recidivism, but the lack of emotional connection and privacy are obvious.

Attorneys will always need to meet confidentially and in-person with their clients, and legal visits by video have already been surreptitiously recorded by jail authorities without the knowledge or consent of lawyers and their clients.

Last year, the Texas Legislature decided that Texas jails with video services must also offer in-person visits. California State Sen. Holly Mitchell of Los Angeles has introduced a worthy bill, Strengthening Family Connections: In-Person Visitation, that would protect in-person visits in California jails and juvenile facilities.

The lack of a visiting room isn't the only problem with San Mateo's new jail, however. From the get-go, the county could have safely reduced its jail population to the size where it would not have needed a new building at all, using bail reform and other common sense criminal justice measures.

But as an architect, I know how alluring the promise of a new building can be. It seems like a stronger statement of justice reform rather than simply letting people stay in their homes while awaiting trial.

Other California counties should take the lesson: Do everything you can to avoid the need to build a new jail, lest your best intentions end up depriving people of something as basic, and as essential, as a hug from your wife, husband, parent or child.

Raphael Sperry is a San Francisco architect and president of Architects/Designers/Planners for Social Responsibility. He wrote this for the Mercury News.



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Prison visits helped prepare me for life after release. Why are they under threat?

Chandra Bozelko

Several prisons are implementing video visitation. These almost always come at the expense of real-life visits – and that is dangerous



'In-person visits have been proven to reduce recidivism.' Photograph: Alamy

Wednesday 20 April 2016 07.30 EDT

Leaving prison was one of the hardest times in my life. Re-entry is like falling out of a plane: it's hard to land on your feet. Before I even left, six-plus years at York Correctional Institution developed in me an inability to function in a non-carceral environment. But I owe it to prison visiting rooms – which allowed some contact with the outside world – that my re-entry wasn't as bad as it could have been.

During visits, my mother would tell me, “Lower your voice,” when I didn't think it was elevated. She would observe, “You're so angry,” when I wasn't. She would ask, “Can I finish?” when I trampled her sentences. Those visits helped me to relearn the social graces that were lost while inside.

That's why it worries me that several jails around the country have eliminated, or plan to eliminate and severely restrict, in-person visits. They want to use video visitation as a substitute. But virtual reality has never supplanted reality anywhere – so why do we expect it to in prison?

Of all the jails that have already implemented video visitation, 74% of them have closed their visiting centers permanently, according to research conducted by the Prison Policy Initiative. Too often, when video visitation becomes an option, real-life visitations cease to be.

In-person visits have been proven to reduce recidivism. A study of 16,420 prisoners over three years found that prisoners with visits have a 13% lower rate of recidivism than ones who weren't visited behind bars. Does the same apply for video visits? Their effects haven't been studied, but a study published in the Harvard Law Review found that nonverbal communication may be harder to interpret or be exaggerated in video court appearances. It's not a stretch to conclude that social cues and body language won't transmit through a camera lens in a video visitation.

There are other, more tangible problems associated with swapping out real visits for video. Pontotoc County, Oklahoma's jail, having already sacrificed personal visits for celluloid ones, prevented inmates from receiving visits when a computer glitch disabled the system for weeks.

Anyone who thinks video visitation is a worthy replacement for personal contact – when it's even working – doesn't understand the connection between visitation and rehabilitation. Most people assume that the connection between visits and resuming a life of decency is that the visits make the prisoner feel valued, loved and ultimately welcomed back into society. That may be part of it, but any theory that links missing prison visits with committing another crime makes re-offending look like brattiness, a matter of attention-seeking outbursts from people who feel slighted. It's not that simple.

The nature of incarceration denies prisoners both independence and responsibility. When they return to the “real” world, the demands of daily life overwhelm them and they actually prefer incarceration because it's an environment they have learned to navigate. Committing another crime is like clicking the heels of ruby slippers: they end up in a place they understand.

The visiting room is the only interface with the world and therefore one of the few defenses to “institutional syndrome” – the deficits or disabilities in social and life skills that develop after a long

period living in custody. It allows you to identify which habits or traits – formed to survive the inside – need to change so that you can re-enter society.

Video visitation is just a small rectangle of reality that cannot replace the real thing. This isn't to say that video visitation should be eliminated; it shouldn't. Long-distance visits that otherwise wouldn't have happened can occur regularly through video. It should remain an option, just not the only option.

Eliminating an interface like personal visits can have disastrous consequences for public safety. The only people who benefit from phasing out in-person visitation are the profit-motivated companies who sell video visitation systems.

That's why the California legislature is looking to pass a law that forbids the complete replacement of in-person visits with video visitation. Without such laws in place in other jurisdictions, though, the profit motive can too easily overpower public interest. Visits are one of the few facets of prison life that have the power to reduce crime; we lose them at our peril.

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In Maine county jails, video visits deny vital connection between inmates and their families (<http://bangordailynews.com/2017/01/09/opinion/contributors/in-maine-county-jails-video-visits-deny-vital-connection-between-inmates-and-their-families/>)

By Joelle Bouchard, Special to the BDN
Posted Jan. 09, 2017, at 9:07 a.m.

When family goes to visit a loved one in a county jail, they likely won't be brought into a room where they can share a hug or gentle touch. Instead, they will be brought into a room with a video screen (<https://www.google.com/url?q=http%3A%2F%2Fbangordailynews.com%2F2017%2F01%2F08%2Fnews%2Fstate%2Fin-effort-to-reduce-contraband-more-maine-jails-turn-to-video-visitation%2F&sa=D&ust=1483973225407000&usg=AFQjCNHhjpF4M6iamZAJ72alE5seYCe2Rg&ref=inline>) where they can see their son or daughter but not offer the comfort and connection that comes with sitting down face-to-face. Two Bridges Regional Jail in Wiscasset was the first county jail in Maine to exclusively offer video visitation (<https://www.google.com/url?q=http://www.renovosoftware.com/news/inmate-visitation-news/two-bridges-regional-jail-begins-video-visitation/&sa=D&ust=1483973225408000&usg=AFQjCNFNkK1KOZ-dbpBMru67A2uQngKb5w>), while the Hancock County Jail in Ellsworth is in the process of making the switch (https://www.google.com/url?q=http://www.ellsworthamerican.com/maine-news/jail-install-video-phones/&sa=D&ust=1483973225409000&usg=AFQjCNH9QRLFHBK13riVOI2U6MJ3_godrw).

The policies around visitation vary from county to county because county officials make policy decisions in isolation, and the Maine Department of Corrections policies apply only to state prisons. These policies can be put in place without any state oversight because legislators in 2015 voted to repeal a 2007 law (<https://www.google.com/url?q=http%3A%2F%2Fbangordailynews.com%2F2015%2F06%2F24%2Fpolitics%2Fstate-house%2Frepeal-of-maines-jail-consolidation-law-moves-forward%2F&sa=D&ust=1483973225410000&usg=AFQjCNF1t64lCBADRVmznlfjQLNfJuczQ&ref=inline>) that consolidated operations of the county jails under the Maine Board of Corrections, returning control to the counties.

When given the chance for a contact visit, one may physically sit with a loved one, rather than be in separate rooms divided by a glass wall or screen. Jail officials in Hancock County pitched the switch to video visitation in part as a way to reduce contraband entering the jail (<https://www.google.com/url?q=http://www.ellsworthamerican.com/maine-news/jail-install-video-phones/&sa=D&ust=1483973225411000&usg=AFQjCNF5YISAODeKSpkOd9Ojf2DpjktDBA>), but eliminating contact visits has failed to stop the flow of drugs in county jails. In Travis County, Texas, where jail officials replaced contact visits with video visits in 2013, disciplinary cases for possessing contraband rose 56 percent in the first year after the switch (<https://www.google.com/url?q=http://grassrootsleadership.org/sites/default/files/uploads/Video%2520Visitation%2520%2528web%2529.pdf&sa=D&ust=1483973225411000&usg=AFQjCNzk43GTxclft268ZakA>), according to a 2014 study by the Grassroots Leadership and the Texas Criminal Justice Coalition.

The benefits of contact visits far outweigh any potential risks: in-person contact with loved ones stabilizes mental health for people who are incarcerated, and encourages them to make better choices. And mental health in our jails and prisons is a major concern because almost two-thirds of inmates in county jails are diagnosed with a mental health disorder (<https://www.google.com/url?q=https://www.bjs.gov/content/pub/pdf/mhppji.pdf&sa=D&ust=1483973225412000&usg=AFQjCNHhXi4LMrotQuqBGEDwLC1kp3OHkw>), according to the U.S. Bureau of Justice Statistics.

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The role that human touch plays in supporting one's mental health has been well-documented. "Social scientists have shown in many studies over the years that supportive touch can have good outcomes in a number of different realms," according to a 2010 NPR article (<https://www.google.com/url?q=http://www.npr.org/templates/story/story.php>)


storyId%3D128795325&sa=D&ust=1483973225413000&usg=AFQjCNEtn2WdmMLX7Qbx9lHboQ3Aah2lUw), and the negative effects of video visitation have been documented as well. When Travis County ended contact visits, inmate-on-inmate violence and disciplinary infractions rose (<https://www.google.com/url?q=http://grassrootsleadership.org/sites/default/files/uploads/Video%2520Visitation%2520%2528web%2529.pdf&sa=D&ust=1483973225414000&usg=AFQjCN>)

A video visit is clearly not the same as a contact visit. Not only is it important to consider the needs of the person that is incarcerated; how about the approximately 20,000 Maine children who have a parent incarcerated in a prison or jail ([https://www.google.com/url?q=https://mainechildrensalliance.wordpress.com/2016/04/26/report-maine-has-highest-percentage-of-children-with-incarcerated-parents-in-new-england/&sa=D&ust=1483973225414000&usg=AFQjCNH04I1d8XUEWieUFb9SAAGqMrsMyQ\)?](https://www.google.com/url?q=https://mainechildrensalliance.wordpress.com/2016/04/26/report-maine-has-highest-percentage-of-children-with-incarcerated-parents-in-new-england/&sa=D&ust=1483973225414000&usg=AFQjCNH04I1d8XUEWieUFb9SAAGqMrsMyQ)?) Why is it OK to take the affection away from these children? During the long dark days of Maine’s winter, they need to know their parents care about them, and their parents want to feel their children’s love. But in Maine county jails, there is less and less opportunity for vital connection. This is very concerning.


We can look to the Minnesota Department of Corrections for guidance. They issued a report (<https://www.google.com/url?q=https://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPPrisonVisitationStudy.pdf&sa=D&ust=1483973225415000&usg=AFQjCNFUGsExNhFnmhTgn1yGRqXK-CP5g>) in 2011 on the effects of visitation on recidivism that states that “decades of research indicate that visits from family improve institutional behavior and lower the likelihood of recidivism for inmates.”

Many Mainers drive hours to visit their loved ones in jail. Being restricted to a video visit feels like the ultimate dismissal to everyone involved, and it does nothing to help those convicted feel more human and humane. Imagine being a child who’s been counting on hugging his dad, only to have that wish denied without warning.

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Most inmates will eventually be released into society. Don’t we want them to come back to our communities with their faith and respect for other humans intact? I urge Maine to make the right choice: standardize, stabilize and widen contact visits—not reduce them—in county jails.

Joelle Bouchard is a member of the Maine Prisoner Advocacy Coalition. She lives in Bangor.

<http://bangordailynews.com/2017/01/09/opinion/contributors/in-maine-county-jails-video-visits-deny-vital-connection-between-inmates-and-their-families/>
(<http://bangordailynews.com/2017/01/09/opinion/contributors/in-maine-county-jails-video-visits-deny-vital-connection-between-inmates-and-their-families/>) printed on January 10, 2017

No Way to Call Home: Incarcerated Deaf People Are Locked in a Prison Inside a Prison

Monday, August 22, 2016

By Mike Ludwig (/author/itemlist/user/44659), Truthout | Report



Emmanuel Steward signs to an interpreter on a video relay screen, a special videophone that relays what he says in sign language to his family members back home. Steward is imprisoned on Louisiana, one of the few states in the nation that provides this communication service to deaf prisoners. (Photo: Annie Flanagan)

This story is the result of a nine-month investigation and part one of a multimedia series on deaf prisoners, as part of a reporting collaboration with the Making Contact (<http://www.radioproject.org/>) radio program.

Use ASL? Click here to see a video interpretation of this story in American Sign Language.

Silent Voices is truly silent. The group's three members are doing what looks like a dance in the front of a classroom at a state prison near the banks of the Mississippi River, just south of Baton Rouge, Louisiana, performing their version of the song "I Believe" by R. Kelly. Instead of singing, the performers are interpreting R. Kelly's lyrics into American Sign Language, or ASL, the sign language most commonly used in the United States. ASL is an animated language. Gestures, facial expressions and even foot-stomping the floor to a beat allow ASL speakers to add context, detail and music to their conversations. The three men in Silent Voices are stunning in this way. The performance is part ASL, part gospel choreography and it's contagiously uplifting -- in stark contrast with the backdrop of armed guards and barbed wire. The classroom erupts into applause.

Standing at the back of the classroom, Susan Griffin is beaming with pride. Griffin, a lead attorney for the state prison system, says this song is a real crowd pleaser at the gospel revivals held at Angola, the notoriously brutal prison farm to the north. "For me, it brings everything together," she says.

The members of Silent Voices and a dozen or so classmates are all part of the Louisiana Department of Corrections' ASL interpreting program, which Griffin touts as one of a kind, at least in the US. Qualified prisoners can earn a certificate in ASL interpreting, which could potentially lead to job opportunities if they are released. Louisiana also uses these "offender interpreters" to interpret for the deaf population in its vast prison system.



William Johanson trains a dog in the yard at Rayburn Correctional Center in Angie, Louisiana. After receiving complaints from another prisoner in the mid-1990s, federal officials sued the Louisiana state prison system on behalf of Johanson to bring facilities with deaf prisoners into compliance with the Americans with Disabilities Act. (Photo: Annie Flanagan)

Louisiana has the highest incarceration rate of any state in the US, and the US has the highest incarceration rate of any country on the planet. That's why Louisiana is known as the "prison capital of the world." The operation is not cheap. "We're broke," Griffin says flatly.

Louisiana is known for supporting its prison system with prison labor, and the ASL program is no different. Paying professional interpreters from the outside to interpret for deaf prisoners would cost hundreds of thousands of dollars a year. For Griffin the program is a win-win innovation that provides job training while saving taxpayer dollars. It also helped the prison system get out of hot water with the feds.

From the squad car to the prison cell, advocates say there is a severe shortage

"We had to fight for it," Griffin says of the program. "The Justice Department sued [us] and said we were not in compliance." She was referring to compliance with the Americans with Disabilities Act (ADA), the

of ASL interpreters in the criminal legal system.

federal law that requires public facilities such as schools, jail and prisons to accommodate people with disabilities and provide equal access to programs and services.

The Justice Department launched a probe into Louisiana's prisons in the mid-1990s after receiving complaints from a fellow prisoner on behalf of William Johanson, a deaf man serving a life sentence. Officials sued the prison system to increase basic accessibility measures for Johanson, from interpreters to fire alarms that flash bright lights. Officials originally wanted Louisiana prisons to hire professional interpreters to be on call for prisoners like Johanson, not "offender interpreters" who work for little or no pay.



Students practice American Sign Language during a class at a prison near Baton Rouge. Some go on to interpret for deaf prisoners, a practice that advocates say is problematic, but better than nothing. (Photo: Annie Flanagan)

Deaf advocates agree, arguing that allowing prisoners to do very low or unpaid labor interpreting for other prisoners could lead to the exploitation or coercion of some of the most vulnerable in the population. Advocates are excited that prisoners are learning ASL -- the more people who can speak the language, the better -- but they argue that the ADA requires neutral, professional interpreters divorced from the politics of prison life on duty at jails and prisons, not to mention police stations, and parole and probation offices.

Still, Griffin was able to negotiate the program into a legal settlement with federal officials, and since then, the number of disciplinary actions against deaf prisoners have dropped dramatically. Students also report success. "This program is meaningful to the population, and we got to help each other," says Jerry Wade, a graduate of the program who interprets for fellow prisoners. Wade's father, who has

since passed away, was deaf, and Wade says he would never forget how proud his father was when he visited the prison on graduation day. "That was the first time I could communicate with him clearly using his language."

Louisiana's interpreter program is an outlier. From the squad car to the prison cell, advocates say there is a severe shortage of ASL interpreters in the criminal legal system. Deaf people are often denied access to interpreters in court, and lack options for contacting lawyers, doctors, friends and family once in custody. Police and prison guards often misunderstand

people who are deaf and hard of hearing, leading to unjust arrests, false confessions and physical abuse. Parole and probation offices often fail to provide interpreters for the deaf, who can be coerced into signing legal documents and statements that they don't understand. The result is the warehousing of deaf people in jails and prisons where the inability to communicate makes it difficult to survive, much less find a way back to the free world.

"I think it's important to note that everyone is behind. There is not one prison system that I would say gets it completely right," says Talila "TL" Lewis, the director of the deaf advocacy group Helping Educate to Advance the Rights of the Deaf (HEARD).

"With 2-plus million people behind bars -- the majority of whom being people with disabilities -- there's no excuse and no room for not getting this right. It's the definition of a crisis."

"Everyone involved in the system is lacking competency in deaf culture and deaf communication," Lewis says.



A teletypewriter, or TTY machine, in a storage closet at Rayburn Correctional Center. Deaf prisoners say the devices are difficult and costly to use, leaving them isolated from friends, family and legal representatives. (Photo: Annie Flanagan)

The deaf community includes people who identify as deaf, hard of hearing, deaf-blind, as well as deaf people with other disabilities and children of deaf adults. This community has its own distinct culture, but few in the criminal legal system know much about it, according to Lewis. For example, deaf people often touch others on the shoulder to get their attention. "Touch a cop like that and see what happens," Lewis says.

Some deaf and hard of hearing people are not considered culturally deaf; perhaps their parents pushed lip reading and hearing implants instead of ASL. Still, spoken language is not an efficient form of communication, but how does a deaf person who can't speak well express this to busy cop or an angry prison guard? The same problems exist in mainstream schools, where deaf students are chronically underserved, leading to educational and developmental delays, according to Lewis. Without a basic understanding of the deaf experience, police, school principals, judges, prosecutors and defense attorneys can all be complicit in funneling deaf people into prisons, where they are at risk of physical and sexual abuse. "Everyone involved in the system is lacking competency in deaf culture and deaf communication," Lewis says.

Across the country, civil rights attorneys are suing jail and prisons on behalf of the deaf imprisoned community in order to force compliance with federal disability laws, but stubborn prison bosses will often fight long court battles before improving conditions. Last year, an HIV-positive deaf man in Washington, DC, won a civil lawsuit (<http://aclu-nca.org/news/victory-district-violated-deaf-prisoners-rights-federal-court-rules>) against local jailers and their private contactors who held him without an interpreter or adequate telecommunication services for 51 days, during which time he was unable to effectively communicate with a doctor about much-needed medication. Prison bosses in Kentucky and Maryland (<http://www.washlaw.org/news-a-media/423-deaf-inmates-md-ky-settlement>) recently agreed to settlements requiring qualified interpreters and videophones, and similar lawsuits have been filed in other states where advocates exhausted other options.

It's a piecemeal path to reform, but Lewis says reform is desperately needed. The criminal legal system is difficult for hearing people to navigate, but for deaf people it can be a complete nightmare. From their first interaction with the police to incarceration, deaf people can fall through the cracks into a world of silent isolation - a prison inside a prison.

Fighting for the Right to Call Home



Emmanuel Steward signs during an interview at Rayburn Correctional Center. (Photo: Annie Flanagan)

Scott Huffman was one of the first graduates of Griffin's ASL program. When I first met Huffman at a New Orleans coffee shop in late 2015, he was working to convince a large jail in a neighboring suburb to install video relay screens for a deaf man being held there. Video relay screens, or VRS, allow deaf people to make video calls to remote interpreters who translate their conversation from sign language to English for the receiver on the other end. For many in the deaf community, VRS is a part of everyday life, just like a landline telephone, but the service is not available at the Jefferson Parish Prison and most jails across the country.

"Why do the authorities feel like they don't have to follow the law?"

The federal government reimburses VRS companies for calls made on their systems with funds collected from a universal tax on phone bills, so the service is essentially free. These companies also offer the VRS equipment to jails and prisons for free, so installing them sounds like a no-brainer. Even the notorious Orleans Parish Prison in New Orleans, which has been fending off a federal takeover due to violence and poor conditions, recently installed VRS. When I met back up with Huffman in June 2016, however, he still had not made any progress in neighboring Jefferson Parish.

"They did diddly squat," Huffman told me as we sat down at another coffee shop.

"Why do the authorities feel like they don't have to follow the law?"

Jefferson Parish Prison caught Huffman's attention because a young deaf man named Nelson Arce was being held there. Arce, who has struggled with opioid dependence, traveled to a drug treatment center for deaf patients in California after being charged with drug possession. Crossing state lines turned out to be a probation violation, and Arce was sent back to Louisiana mid-treatment. In an interview, Arce's father said that the probation office refused to provide interpreters, and officers tried

to communicate by writing notes and reading lips, so miscommunication was inevitable. Instead of receiving the treatment he so badly needed, Arce ended up back in jail, without VRS to call home.

As an on-the-ground activist with HEARD, Huffman hears stories like this all the time. He tries to work with jails and probation offices to make them more accessible to the deaf and hard of hearing, but when advocacy and education fail, lawsuits often follow. Just last week, attorneys filed a class-action lawsuit against Louisiana's state parole and probation office on behalf of three deaf parolees, alleging that they have been consistently denied access to interpreters and other aides at required classes and meetings.

Huffman became an advocate while serving a five-year sentence in a Louisiana prison where about 10 deaf prisoners were held. He became fascinated with ASL after watching the deaf men talk to each other, so he asked his mother to mail him a sign language dictionary and began studying. When he felt confident, he approached the deaf men to try out his new skills and soon became immersed in the language. The warden eventually asked Huffman to move into the unit where the deaf men lived, and he became their de facto interpreter, learning first-hand about the challenges they faced everyday.

"Not only do we lead the world in incarceration, we have a unjust system, especially for these deaf, deaf-blind, deaf-disabled, hard of hearing prisoners," Huffman says. "They live in a prison within a prison, so not only are they incarcerated, but now they're extra incarcerated because they don't have communication."

Huffman says guards are known to rough up deaf and hard of hearing prisoners for ignoring verbal orders, and the deaf prisoners have trouble accessing services like education, health care and addiction treatment. Deaf prisoners are also unable access the 24-hour rape hotlines that are available to hearing prisoners, and it can be impossible to report abuse and seek help from medical staff and counselors without the help of an interpreter. Prisons are isolating places that spur violence and harm, including violence perpetrated by authority figures: Research shows (<http://www.allgov.com/news/top-stories/half-of-sexual-assaults-in-jail-and-prison-committed-by-guards-and-most-by-female-staff-140125?news=852260>) that guards commit about half of all sexual assaults.



Members of the Steward family put a cell phone on speaker and gather around to talk to Emmanuel Steward, who is calling through a video relay service from prison. The Stewards say the video relay has made it much easier to stay in touch, but they want Emmanuel moved to a prison closer to their home in southern Louisiana so they can make more in-person visits. (Photo: Annie Flanagan)

Huffman says he saw a lot of "terrible things" happen to deaf prisoners and, acting as a hearing ally, tried to prevent as much as he could. "Deaf people are easy targets, so a lot of sexual abuse happens, most often," he says, explaining how a deaf prisoner's inability to pick up on cues in the shower or bathroom could lead to unwanted advances and even assault. "So, prison culture and deaf culture are two different worlds. And so deaf people don't have the opportunity to auditorily learn the things that you need to learn about prison culture when you get there."

At the time, Rayburn Correctional Center did not have VRS. As in the vast majority of jails in prisons on the US, the closest thing to a telephone that Huffman's deaf pals could use was a teletypewriter, or TTY, which sends text messages typed on a keyboard over traditional telephone landlines. On the outside, cell phones and VRS have largely replaced TTY in the deaf community, which considers TTY to be as obsolete as pagers and pay phones.

"I was the VRS, I was the videophone," Huffman says. "I would use my family's money, and ... contact [the deaf prisoners'] families, and I would interpret the phone conversations and all that."

This wasn't just inefficient; it was costly. Private companies that provide phone services at prisons have long been accused of price gouging. In fact, per-minute rates have gotten so out of control that the Federal Communications Commission (FCC) is currently fighting a major legal battle to cap them, marking a major victory for civil rights advocates. Using TTY is even worse. Until a recent FCC intervention, prison phone companies charged same per-minute rate for TTY calls as landline phone calls, even though TTY calls can take much longer to complete, especially for those

who primarily speak ASL. Families of deaf prisoners have sent copies of phone bills for hundreds of dollars to HEARD's office, and many in the deaf community no longer use TTY to begin with.

ASL and English have different rules for structure and syntax, so rough ASL-to-English translations over a TTY machine can easily become garbled. Facial expressions and body language are essential parts of an ASL conversation, but there is no room for physical communication in a text message. Plus, most lawyers don't use TTY, and advocates complain that, citing security concerns, some prisons block calls to government-funded relay services that read TTY messages out loud for hearing people on the other end. Many -- but certainly not all -- deaf people use ASL, not English, as their primary language, and translating specialized vocabulary about medical issues, legal cases over TTY can be a time-consuming challenge.

After his release in 2013, Huffman and HEARD worked with Griffin to install VRS at Rayburn Correction Center and other state facilities with deaf prisoners, making Louisiana one of the few states to offer the service. Earlier this year, I visited Rayburn with a multimedia team to watch Emmanuel Steward and William Johanson, the two remaining prisoners from Huffman's original circle, make calls on the VRS. As other prisoners looked on from inside a large caged room, the men took turns sitting down in front a cabinet in a hallway that holds the video screen. They dialed a number on a keyboard and interpreters appeared on the screen, ready to relay their words to family members back home.

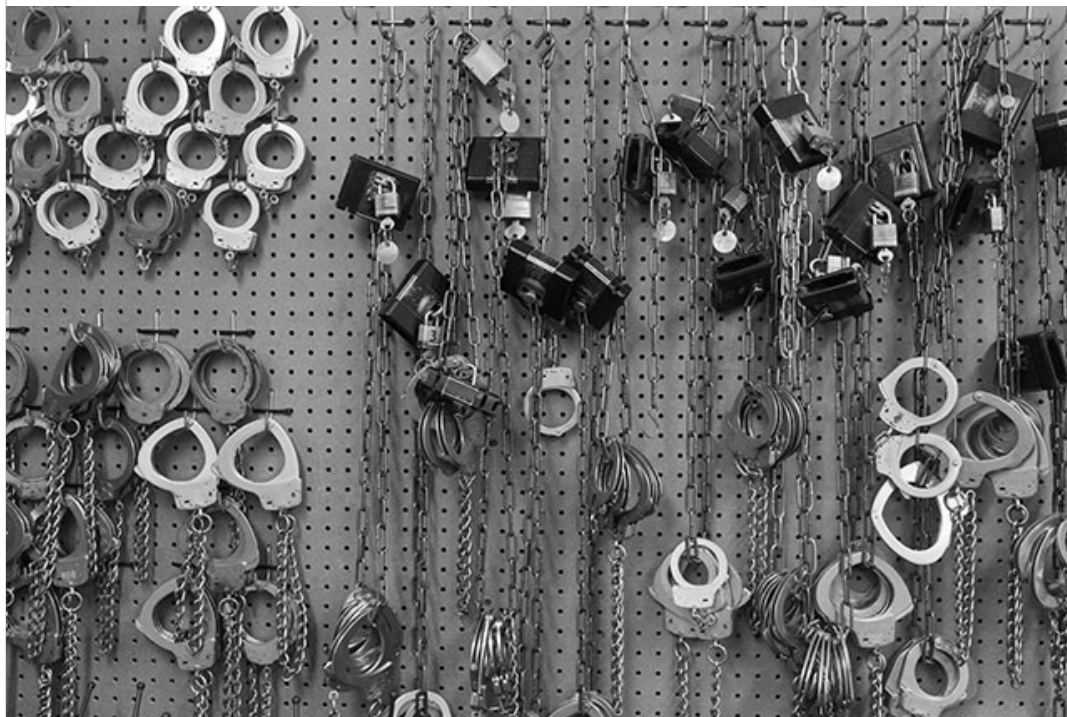
Speaking through interpreters in the prison's white-walled conference room, both Steward and Johanson told us that the VRS was a game-changer. Johanson, who was incarcerated with little formal education, says using TTY was often "puzzling" and lawyers didn't even have the machines in their offices. He eventually gave up, opting to write letters instead.

"I couldn't understand the stuff they'd mean," Johanson says through an interpreter. "I couldn't understand their voice. Friends, they didn't like that. Then the charge ... it's way over their heads; the price was too high for the TTY."

After the video relay screen was installed, Johanson was able to call his sister for the first time since he was incarcerated in 1976. He found out his father had passed away since the last time he had been in contact with his family. Still, his sister was elated that he was able to call and could keep calling, free of charge. "My sister was glad when they were able to use that videophone, it's a lot of convenience," he says. "It's real good, we like that video phone better than the TTY. We're communicating better. I'm saying the same thing when I'd type and have long words breaking up."

Steward says wasn't always sure if his family understood him correctly over TTY, and vice versa. "But now with the video relay, it's natural," Steward says through an interpreter. "Yeah. It's much clearer. Not as many errors with the communications, so you really much prefer it, so it's not as much time lost with correcting what was said." He says it's also brought him closer to family members, who live several hours away and cannot afford to make frequent in-person visits. "They've got a real person that they're talking to, even if it's just a relayed person, you know," Steward says with a laugh. "They actually hear a voice."

Prison Phone Companies and the FCC



Handcuffs hang in the front office of the Rayburn Correctional Center. (Photo: Annie Flanagan)

Back in 2013, the FCC was poised to make a preliminary but landmark ruling on phone service in jails and prisons, a full 10 years after a petition was filed on behalf of low-income families struggling to pay for phone calls with loved ones behind bars. HEARD joined this coalition and asked the FCC to lower rates for deaf prisoners or replacing TTY machines with VRS altogether. Research shows

"I have had to communicate with numerous deaf people about sexual assault or impending death via a TTY, in English -- a language that many of them have never and never will master."

(<http://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPPrisonVisitationStudy.pdf>) that keeping prisoners in contact with friends and family on the outside can reduce recidivism. Plus, without interpreters or a meaningful and affordable way to contact the outside world, deaf people can get lost in the system (<http://wtop.com/arlington/2015/03/deaf-immigrant-jailed-6-weeks-with-no-access-to-interpreter/>), sometimes not even knowing why they are there.

"In no uncertain terms, lack of access to telecommunications has made it practically impossible for deaf, deaf-blind, deaf-disabled and hard of hearing people, and many hearing individuals who rely on sign language to maintain contact with loved ones, communication with counsel to aid in their own defense, and to maintain their sanity and safety," says Lewis, who recalled a deaf prisoner in Florida who called her office "to say his last goodbyes" out of fear of violence. "I have had to communicate with

numerous deaf people about sexual assault or impending death via a TTY, in English -- a language that many of them have never and never will master. This is unfair to them and to me." The prisoner in Florida still lives in fear at the same facility.

HEARD submitted dozens of comments to the FCC, including handwritten letters from deaf prisoners who reported trouble keeping in touch with family members, and described the painful isolation they were experiencing. Some detailed grievances with prison staff had gone unresolved for years. In a national survey conducted by HEARD, 35 percent of deaf prisoners reported that they did not have access to a TTY machine. Another 27 percent had access "sometimes," and only about 19 percent reported that the TTY machine in their facility was in "good working condition."

The FCC agreed that it takes much longer to type out conversation over TTY than to speak over the phone, illegally subjecting a group of prisoners to price discrimination due to disability. The commission estimated TTY calls take about four times as long to complete, and proposed capping the rate for TTY calls at 25 percent the per-minute rate that providers charge hearing prisoners. HEARD argued that estimate did not take into account the "varying rates of literacy among deaf prisoners," but any rate decrease was better than nothing.

The prison phone industry disagreed. The prison phone company CenturyLink argued that, in its experience, TTY calls only take about twice as long as voice calls. Securus, the leading prison phone company, claimed that the discount was "not appropriate" because TTY calls and voice calls "incur the same costs." The firms also opposed the FCC's proposal to lower the costs of prison phone calls in general.



An outdoor chain link fence casts a shadow across Emmanuel Steward's hands. (Photo: Annie Flanagan)

In order to secure lucrative contracts in many states, prison phone companies are expected to pay "site commissions" to the prisons themselves. Reformers refer to these payments as "kickbacks," (<https://nationinside.org/campaign/prison-phone->

Elliot Minceberg, a consulting attorney with the Washington Lawyers Committee, which has filed a series of lawsuits on behalf of deaf prisoners, says prisons are "notoriously slow on technology and tech improvement." Federal prisons, for example, have long opposed VRS due to supposed "security concerns," which always trump accommodations for prisoners. Plus, Minceberg says, prison bosses and their employees are often ignorant of deaf culture.

"Deafness is a silent and non-obvious disability ... a typical prison guard may think you can just write them notes," says Minceberg, who agrees that it shouldn't take lawsuits to enforce federal law and ensure that deaf prisoners have equal access to services. "This is something that can and should be done.... This shouldn't require litigation, but unfortunately it does."

Profiting Off Deaf Prisoners?



William Johanson stands in a hallway at Rayburn Correctional Center, where he is serving a life sentence. (Photo: Annie Flanagan)

With the FCC's rate caps threatening revenue, prison phone companies have sought new revenue streams with "electronic messaging" services and video chats. Reformers welcome new services for prisoners and their families, but say these options are expensive and highly restrictive compared to services like email or Skype. Companies like Securus have even convinced some sheriff's departments to replace in-person visits (<http://www.bloomberg.com/news/articles/2015-04-27/expensive-prison-skype-is-squeezing-out-in-person-visitation>) with "video visitation," (<http://www.prisonpolicy.org/visitation/report.html>) a shift that advocates ardently oppose. Lewis said the companies could box out VRS as well.

TL Lewis is well aware that prison phone companies are looking for new ways to make money. In fact, companies like Securus may now view VRS providers as competition in its emerging videophone market. In its comments to the FCC, Securus

boasted about installing 5,000 videophones at US facilities, but opposed HEARD's proposal to require VRS at jails and prisons, arguing that such technology is a privilege, not a right.

VRS systems relay calls through an ASL interpreter; the video visitation and chat services offered by prison phone companies do not. VRS calls are also free, while the so-called "prison Skype" services are not yet regulated by the FCC and can be costly.

However, Lewis says prison phone companies are trying to convince jailers that the technologies are one and the same, and their contracts require them to use the pay-to-play services instead of the federally subsidized VRS.

"Phone companies are telling jails, prison and other facilities that these facilities cannot allow VRS installation based on these companies' exclusive phone contracts that, mind you, do not provide accessible telecommunications for the deaf," Lewis says. "Now, we have to convince jails and prisons that this is not the case -- if the contract does not provide accessible means for calling, federal disability rights law requires that the jail or prison go further."

Several companies have told prison administrators that VRS videophones are "expensive," "impossible" and "incompatible," among other excuses for why they cannot be installed, according to Lewis. "It's difficult to find any other reason why prison telecom companies would posit any of this if not for ignorance and the possibility of cutting into their bottom line," Lewis says. "Of course, it's not really cutting into their bottom line because countless deaf have gone for years without access rather than have their loved ones pay these exorbitant costs for ineffective communication in English."

"I think they are just looking for as many ways to profiteer from people who are incarcerated. It's a sick game they play."

Back in Louisiana, it's been over a year since Huffman first contacted the Jefferson Parish Prison about installing VRS. Last October, a jail official told Huffman that Securus was already installing video visitation technology, and the company had assured jail officials that it could integrate interpreter services into that system, according to a series of emails shared with Truthout. Huffman explained that this was impossible, because only a few companies are licensed to provide video relay services, and these services are free, unlike whatever service Securus could offer. The conversation has gone nowhere since.

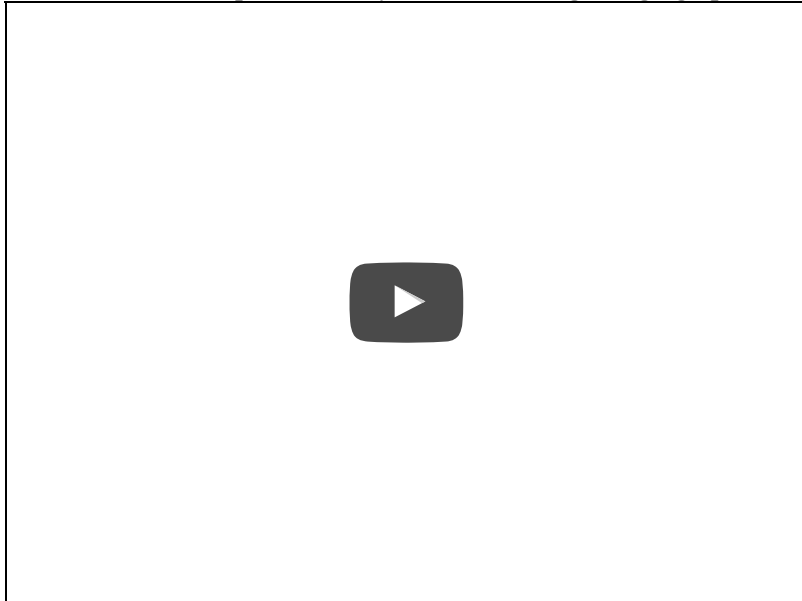
Attempts to reach a media representative and the government affairs office at Securus have been unsuccessful. The Jefferson Parish Sheriff's Office also failed to issue a response to my repeated requests for information, including a copy of its contract with Securus.

"I think they are just looking for as many ways to profiteer from people who are incarcerated," Huffman said. "It's a sick game they play." Huffman says there are at least two deaf people currently being held at Jefferson Parish Prison, but the jail has done "zero" in terms of accommodation. "They violate everything and seem to be invincible."

It's not easy to speak truth to power when power refuses to listen, but Huffman is committed to finishing what he started when he decided to immerse himself in ASL and deaf culture in prison. "Before I left, I promised those guys that I would do something, I would do whatever I could to improve the system in its current state to something better," Huffman says. Of course, he notes, the best accommodation would be for them to not be imprisoned at all. "I would take them all home with me if I could."



Austin Finamore interprets this story into American Sign Language, part one.



Austin Finamore interprets this story in American Sign Language, part two.

Jasmin Mara López, a freelance producer for the radio program Making Contact, contributed reporting to this story. This reporting collaboration was made possible in part by The Media Consortium.

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