

**Statement of Stephen Raher
before the
Law and Justice Interim Committee
Sixty-seventh Montana Legislature
March 21, 2022**

Good morning Senator Esp, committee members, fellow panelists, and guests. It is a privilege to address the Committee about Senate Bill 303 and telecommunications services in Montana’s prisons and jails. I am the general counsel of the Prison Policy Initiative, a non-partisan, not-for-profit organization that uses data analysis to demonstrate how the American system of incarceration negatively impacts society. We publish research and policy proposals on selected campaigns where we believe our work can create a fairer justice system through legal and policy change. Our organization has produced several landmark reports on exploitation and dysfunction in the prison and jail telecommunications market, and we have participated in numerous regulatory proceedings before the Federal Communications Commission (“FCC”)¹ and state utility agencies (including the utility boards of California, Iowa, Nevada, and New Mexico). In addition, I personally have been working on the issue of correctional telecommunications rates and practices since 2003.

Consistent with the invitation to speak to your Committee, I would like to address four issues today. I will begin with a brief historical overview, including developments from the most recent phase of the FCC’s long-running rulemaking. I will then provide a summary of relevant research on the importance of communications in reducing recidivism. And I would like to conclude by briefly addressing two discrete topics: ancillary fees and treatment of electronic messaging.

Historical overview. When the U.S. Justice Department successfully negotiated the breakup of AT&T in 1983, it opened the telecommunications market in this country to new and welcome types of competition. One overlooked corner of the market that did not benefit from competitive forces was phone service in prisons and jails, called “inmate calling services” (or “ICS”) by the FCC.

At first, many small companies came forth to serve the niche ICS market, but this industry quickly attracted the attention of Wall Street private equity firms. A private equity firm

¹ PPI’s latest FCC filings related to correctional telecommunications can be found at <https://www.prisonpolicy.org/phones/#RecentBriefings>.

is a business that takes money from clients (wealthy people, pension funds, insurance companies, etc.) and invests it in a variety of businesses, with the goal of making even more money. In some ways, a private equity firm is like a mutual fund, but instead of investing in public securities and making money based on market trends, a private equity firm actually acquires entire companies and manages those companies in order to maximize profits.² Relevant to our discussion today, private equity firms prize three dynamics that are characteristic of the ICS industry: high barriers to entry (in the form of monopoly contracts), predictable and recurring revenue (selling essential services to a captive customer base), and the potential for new revenue growth (new technologies sold under bundled contracts, like tablets and video calling).

Given the unique ability of ICS providers to collect dependable revenue without the threat of competition, a handful of private equity firms methodically acquired most of the companies in the ICS space, eventually consolidating the industry into two dominant companies (Securus Technologies and Global Tel*Link) that are estimated to control at least three-quarters of the national market.³ A visual illustration of the market consolidation that has occurred over the last three decades is attached as **Exhibit 1**.

Although twenty-first century telecommunications policy decidedly favors free and competitive markets, ICS remains a special case because the market is decidedly uncompetitive. The FCC has repeatedly found that ICS consumers do not benefit from market competition.⁴

² Thanks to Prof. James Kwak (U. of Conn. Law School) for this description, see “What is Private Equity,” <https://baselinescenario.com/2012/01/27/what-is-private-equity/> (Jan. 27, 2021).

³ See *Joint Application of TKC Holdings, Inc. and Securus Technologies, Inc for Grant of Authority*, WC Dkt. 18-193, [Petition to Deny by the Wright Petitioners, et al.](#), Exh. A (Jul. 16, 2018) (estimating that Securus and GTL together served 73.5% of incarcerated people in 2017).

⁴ *Rates for Interstate Inmate Calling Services*, WC Dkt. 12-375, [Third Report and Order, Order on Reconsideration & Fifth Further Notice of Proposed Rulemaking](#) ¶ 31, 36 FCC Rcd. 9519, 9531-9532 (released May 24, 2021) [hereinafter “[Third R&O](#)”] (“The Commission has previously determined that providers of telephone services to incarcerated people have monopoly power in the facilities they serve. We reaffirm this long-established finding, one that applies equally not only to the rates and charges for calling services provided to incarcerated people, including ancillary services, but also to providers’ practices associated with their provision of calling services.”); *Rates for Interstate Inmate Calling Services*, WC Dkt. No. 12-375, [Second Report and Order and Third Further Notice of Proposed Rulemaking](#) ¶ 2, 30 FCC Rcd. 12763, 12765 (released Nov. 5, 2015) [hereinafter “[Second R&O](#)”] (“While the Commission prefers to rely on competition and market forces to discipline prices, there is little dispute that the ICS market is a prime example of market failure. Market forces often lead to more competition, lower prices, and better services. Unfortunately, the ICS market, by contrast, is characterized by increasing rates, with no competitive pressures to reduce rates.”); *Rates for Interstate Inmate Calling Services*, WC Dkt. 12-375, [Report & Order on Remand and Fourth Further Notice of Proposed Rulemaking](#) ¶ 100, 35 FCC Rcd. 8485, 8520-8521 (released Aug. 7, 2020) [hereinafter

ICS providers regularly claim that there is competition because providers have to bid for contracts, but the FCC has repeatedly found that this bidding does not benefit consumer ratepayers.⁵ There are two notable issues concerning the dynamic of bidding markets. First, economists have persuasively cast doubt on whether bidding, in general, is an adequate remedy for highly concentrated markets.⁶ Second, keep in mind the specific dynamics of ICS bidding, where the party evaluating bids (i.e., the correctional facility) often seeks to make money off of the contract (through site commissions), and thus has different interests and priorities than ratepayers who have no say in the procurement process (incarcerated people and their families).

In 2003, the FCC began a long-running ICS rulemaking that has moved in fits and starts, gradually addressing some of the high rates and other problematic practices in the industry. Staff has already provided the Committee with a helpful overview of the FCC's latest action, so I will only address one issue today: the current status of inter- and intrastate rate regulation. In 2015, the FCC attempted to cap all ICS voice rates, regardless of whether the subject call crossed state lines. A federal court rejected that rule as applied to intrastate calls, noting that federal law generally reserves regulation of intrastate communications to the states. The FCC took up this issue on remand and issued a series of orders in 2020 and 2021, setting forth a new rule, comprised of three components. First, the jurisdictional nature of a call must be based on the physical location of the two parties (not the area code of the called number).⁷ Second, if the physical location of the callers cannot be determined, the call is "jurisdictionally indeterminate" and subject to the FCC's caps on interstate rates and ancillary fees.⁸ Finally, if states impose

“Remand R&O”] (Correctional facilities possess “market power...created by incarcerated people’s inability to choose an inmate calling services provider other than the provider the correctional facility selects, effectively creating a monopoly for inmate calling services within a prison or jail.”).

⁵ Third R&O ¶ 33, 36 FCC Rcd at 9533 (specifically rejecting the theory that “the market for inmate calling services is competitive because providers of those services bid against each other to win contracts with correctional facilities”); Second R&O ¶ 62, 30 FCC Rcd. at 12794 (evidence of lack of competition in procurement); *Rates for Interstate Inmate Calling Services*, WC Dkt. No. 12-375, [Report and Order and Further Notice of Proposed Rulemaking](#) ¶ 176, 28 FCC Rcd. 14107, 14190 (released Sep. 26, 2013) (“While the Commission found that there is competition among ICS providers to provide service to correctional facilities, it concluded that there is not sufficient competition within facilities to ensure that rates are just and reasonable to end users because of exclusive contract arrangements.”).

⁶ Paul Klemperer, *Bidding Markets*, 3 *Journal of Competition Law & Economics* 1 (2007).

⁷ See Remand R&O ¶ 53, 35 FCC Rcd. at 8503.

⁸ *Id.*

intrastate rate caps that are *lower* than the FCC’s interstate caps, the FCC has specified that those lower caps will apply to jurisdictionally indeterminate calls originating in that state.⁹

Since the FCC’s recent clarification of jurisdictional determination, Securus Technologies has informed several state regulators that its billing system is unable to record the physical location of the called party, and therefore Securus treats *all* voice calls as jurisdictionally indeterminate—effectively allowing a state to regulate the price of all calls originating in its boundaries. Although I am not aware of any other company having provided such detail about its practices, different intra- and interstate rates do seem to have become much less common in the last six months.

Family connections reduce recidivism. Prison Policy Initiative’s research department recently summarized numerous academic studies that have shown a positive correlation between family communications during someone’s period of incarceration, and reduced recidivism upon release. The research brief is attached as **Exhibit 2**.

The earliest major study in this area was a 1972 study of people released from prison in California, which found that parolees who had no visitors during their incarceration were six times more likely to be reincarcerated than those with regular correspondence and visits.¹⁰ A steady stream of research in the subsequent decades has confirmed this trend and expanded our knowledge of what works.

Moving to the specific benefit of telecommunications, a 2020 study of incarcerated parents in Arizona found that phone calls are the most common method for children to maintain contact with incarcerated parents and that frequent phone contact measurably improved the quality of the parent-child relationship.¹¹ And a 2014 study of mothers released from prison in Indiana, Ohio, Oklahoma, South Carolina, and Washington found that regular phone contact during incarceration was actually more strongly associated with reduced recidivism than in-person visitation.¹²

⁹ Third R&O ¶ 217, 36 FCC Rcd. at 9617.

¹⁰ Norman Holt & Donald Miller, “[Explorations in Inmate-Family Relationships](#)” (Calif. Dept. of Corr. Research Report No. 46, Jan. 1972).

¹¹ Danielle L. Haverkate & Kevin A. Wright, [The Differential Effects of Prison Contact on Parent-child Relationship Quality and Child Behavioral Changes](#), 5 *Corrections: Policy, Practice & Research* 222 (2020).

¹² Kelle Barrick, et al., [Reentering Women: The Impact of Social Ties on Long-Term Recidivism](#), 94 *The Prison Journal* 279 (2014).

One important lesson to derive from this research is that state funding of correctional telecommunications costs is a good investment that will pay off through reduced incarceration in the future. One might think of potential funding models along a spectrum. Ideally, the state would fund ICS costs so that families can maintain contact without incurring the expense of paying ICS rates. If that's not possible, then the next best thing is to negotiate low rates and fund some limited number of free calls. The next option after that is to have families pay for the cost of calling, while correctional facilities cover related security costs. Toward the far end of the spectrum, families would pay the complete cost of telecommunications and related security features—while our organization does not support such pricing structures (we believe, at a minimum, that the state is responsible for security expenses), this model is at least defensible as a matter of public policy.

What is much harder to defend, and what we see in some Montana jails, is using ICS rates to fund expenses that are completely unrelated to telecommunications (things like food, clothing, and medical care). Fairly early in its rulemaking, the FCC concluded that site commissions that fund expenses unrelated to the provision of telecommunications cannot be included in the providers' expenses for purposes of calculating rate caps.¹³ In other words, the FCC has not directly prohibited site commissions from being spent on general facility expenses (something that the agency likely lacks the power to do), but it has told facilities to use such structures at their peril: as the FCC collects more targeted expense data, it can be expected to set rate caps in reference to increasingly more detailed expense information, and payments for food or clothing do not count as eligible expenses. The legislature would thus be doing sheriffs a favor if it prohibited site commissions from funding non-ICS costs, since the FCC can reasonably be expected to work toward toward this same goal, albeit on a slower timeline.

Ancillary fees. FCC rules prohibit generally prohibit fees except for five authorized “ancillary fees” (defined in 47 C.F.R. § 64.6020) that ICS providers *may* choose to charge. With the exception of the \$2 fee for receiving a paper bill, the authorized ancillary fees are all “pay to pay” fees: levied when the consumer makes a payment (different amounts are allowed for different types of payment transactions). The cumulative impact of these fees on families is substantial. Most ICS providers charge the maximum allowable \$3 fee for making an online

¹³ First R&O ¶ 54, 28 FCC Rcd. at 14135.

payment through a website. This fee is designed to cover the provider's costs of accepting such payments, but NCIC Inmate Communications (an ICS provider that does not have any current contracts in Montana) has informed the FCC that payment-card processing costs are normally 3% or less. Using that estimate as a guideline, if someone makes a \$20 deposit to a prepaid phone account, the provider's payment-processing costs are roughly 60¢. If the provider charges a \$3 fee, with 60¢ is attributable to processing costs, that means the remaining \$2.40 (12% of the payment amount) is supposedly covering other payment-related expenses. It is true that the FCC's cap on the automated-payment fee is designed to cover expenses like running a website, but charging someone a 12% fee to cover basic overhead costs is presumptively unreasonable—pretty much every other business in the country has figured out how to collect money without charging customers anything, much less a fee of 12%.

There are two ways that the legislature can mitigate the burden caused by ancillary fees. First, as with per-minute rates, the FCC has given states the authority to set caps on ancillary fees, so long as those caps are lower than the FCC's fee caps. So Montana could, for example, cap payment fees at \$1 or \$2 per transaction, or a percentage not to exceed \$3. Such a move would not be expected to impact facilities' site-commission revenue because facilities usually do not earn commissions on ancillary fees. Second, the legislature could provide protections for customers' prepaid funds. Most ICS providers seize funds from customer prepaid accounts when there has not been account activity for a certain period of time. Inactivity policies of Montana ICS providers are summarized in **Exhibit 3**. Prepaid customer funds are interest-free working capital that ICS providers may use for any purpose. Seizing this money based on account inactivity has no economic justification is functionally indistinguishable from an inactivity fee. The legislature could easily prevent this troublesome practice by requiring all ICS providers to remit inactive Montana prepaid funds to the Department of Revenue for administration under the Unclaimed Property Act.¹⁴

Electronic messaging. The final topic I would like to briefly address is electronic messaging. Staff, and many ICS providers, refer to this technology as “email.” Our organization has made a decision (as have some correctional facilities) to refer to this service as electronic messaging because it is fundamentally unlike anything that most people would think of as

¹⁴ Mont. Code § 70-9-801 through 829.

modern email. But, whatever you call it, this service has significant money-saving potential for correctional facilities. While our organization strongly defends the continued availability of postal mail in prisons and jails (something that is under sustained attack across the country), we do acknowledge that processing that mail requires staff time, with the associated expense of salary and benefits. Because electronic messaging reduces the labor-intensive process of screening paper mail, we believe that facilities should provide electronic messaging free of charge. But failing that, facilities should at least forgo commission revenue on electronic messaging. According to staff, many Montana jails use electronic messaging as a revenue source, and we would support any effort to end that practice.

I would conclude by noting the following quote from the Orrin G. Hatch Foundation’s 2021 proposal for a “family-centered approach to criminal justice reform”:

[F]amily contact—whether via in-person visitation, video visitation, phone calls, email, or regular mail—should be an affirmative goal. There may be a tendency sometimes to think of visitation, or other forms of contact, as a “privilege” or “reward” for inmates who exhibit good behavior or who are making progress toward certain goals. And indeed, it may well be that certain preconditions should apply to certain kinds of contact But contact with family members should not, at the end of the day, be viewed as a privilege or a reward. Rather, it should be a goal. . . . Strong family ties are . . . positively associated with reduced recidivism, and contact during incarceration helps to maintain those ties. Family contact during incarceration thus is far more than just a perk for inmates. It is a benefit to their families and to society as well, and an integral part of the reentry process.¹⁵

I think this statement encapsulates the ultimate goal that the Committee should keep in mind as it delves into the details of telecommunications law, economics, and policy.

I thank the Committee again for allowing me to appear today, and if there is anything that Prison Policy Initiative can do to assist the Committee in your important work, please do not hesitate to contact me.

¹⁵ Christopher Bates, [A Family-centered Approach to Criminal Justice Reform](#), at 31 (Dec. 2021).



Exhibit 1

Timeline of mergers in the prison/jail telephone industry*

* This timeline shows how GTL and Securus have, over time, gobbled up many of their competitors. Not shown are the respective sizes of each of the companies (GTL is the largest, followed by Securus and — if it were an independent company — ICSolutions), or the fact that some companies like CenturyLink operate only in partnership with Securus and ICSolutions or that for some companies (like AT&T or Verizon) only the portion of their business that was prison and jail phones was transferred.

CORPORATE CONSOLIDATION

How GTL and Securus came to dominate the prison and jail telecom industry

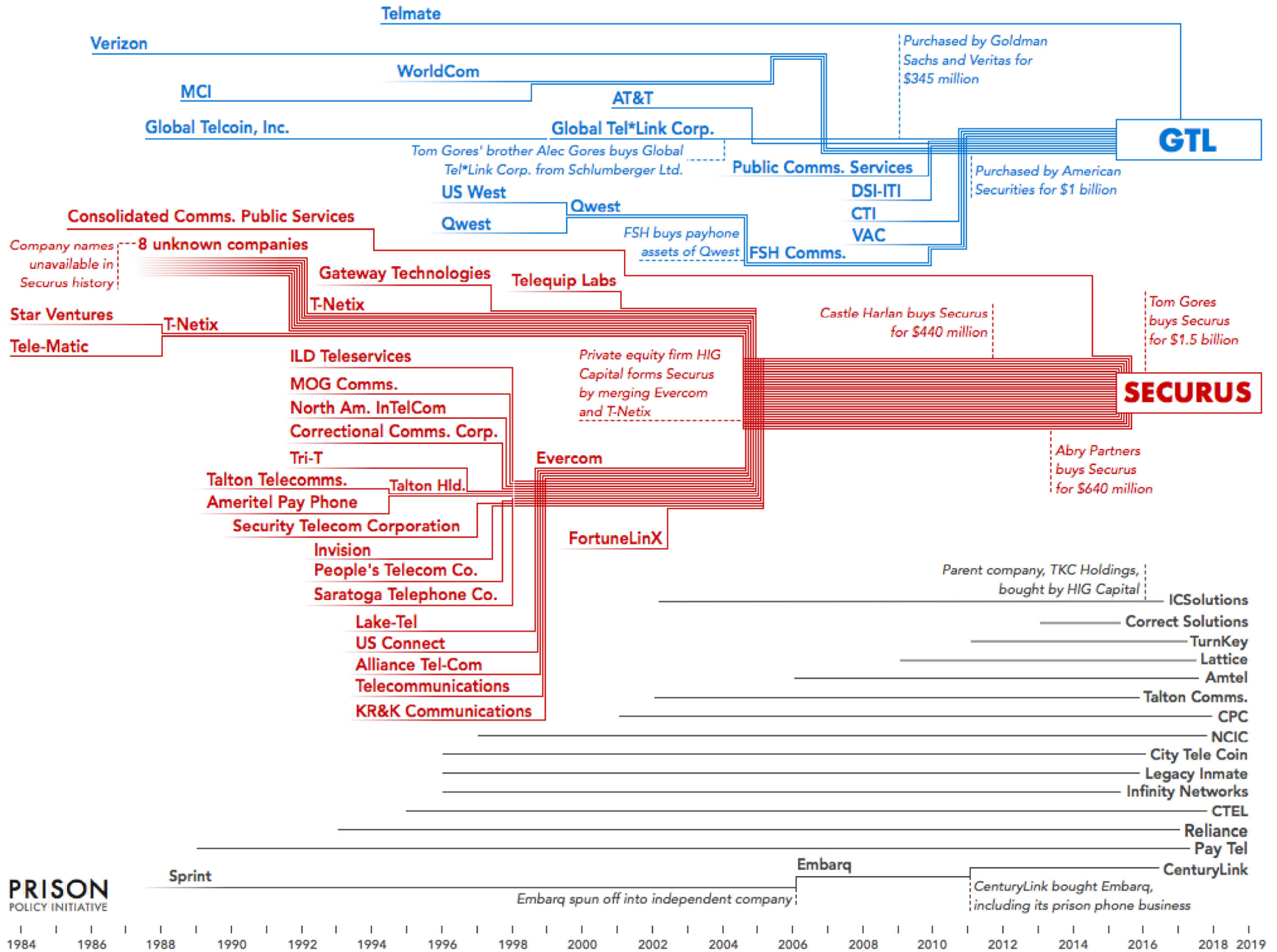




Exhibit 2

Research on the Benefits of Family Contact

Research roundup: The positive impacts of family contact for incarcerated people and their families

The research is clear: visitation, mail, phone, and other forms of contact between incarcerated people and their families have positive impacts for everyone — including better health, reduced recidivism, and improvement in school. Here's a roundup of over 50 years of empirical study, and a reminder that prisons and jails often pay little more than lip service to the benefits of family contact.

by Leah Wang, December 21, 2021

To incarcerated people and their families, it's glaringly obvious that staying in touch by any means necessary — primarily through visits, phone calls, and mail — is tremendously important and beneficial to everyone involved. Yet prisons and jails are notorious for making communication difficult or impossible. People are incarcerated far from home and visitation access is limited, phone calls are expensive and sometimes taken away as punishment, mail is censored and delayed, and video calls and emerging technologies are all too often used as an expensive (and inferior) replacement for in-person visits.

Prison- and jail-imposed barriers to family contact fly in the face of decades of social science research showing associations between family contact and outcomes including in-prison behavior, measures of health, and reconviction after release. Advocates and families fighting for better, easier communication behind bars can turn to this research, which demonstrates that encouraging family contact is not only humane, but contributes to public safety.

In-person visitation is incredibly beneficial, reducing recidivism and improving health and behavior

The positive effects of visitation have been well-known for decades — particularly when it comes to reducing recidivism. A 1972 [study on visitation](#) that followed 843 people on parole from California prisons found that those who had no visitors during their incarceration were *six times more likely* to be reincarcerated than people with three or more visitors. A few years later, researchers found similar results in a [study](#) of people paroled from Hawaii State Prison.

Since the 1970s, the body of evidence in favor of prison visitation has only grown. In 2008, [researchers found](#) that among 7,000 people released from state prisons in Florida,

each additional visit received during incarceration

lowered the odds of two-year recidivism by 3.8 percent (in

this study, recidivism was defined as reconviction).

Findings out of Minnesota a few years later were

similar: Receiving one visit per month was associated with a 0.9 percent decrease in someone's risk of reincarceration; better

yet, each unique visitor to an incarcerated person reduced the risk of reconviction by a

notable 3 percent.^① Among people who received visits during their incarceration, felony re-convictions were 13 percent lower and revocations for technical violations of parole were 25 percent lower compared to people who did not receive visits.

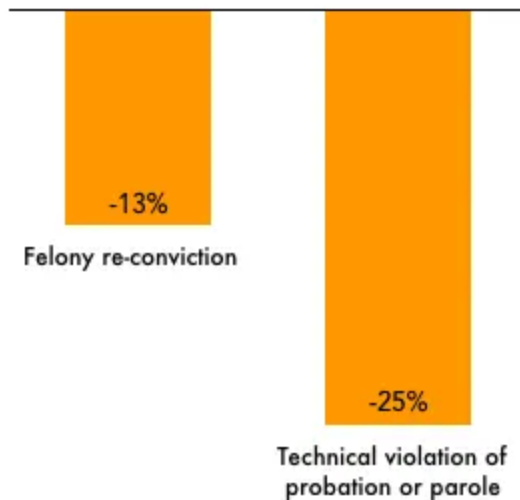
Visitation is also correlated with adherence to prison rules. In 2019, an Iowa researcher found that in-prison misconduct (as measured by official citations) was reduced in people who received visits at Iowa state prisons. Based on these results, one *additional* visit per month would reduce misconduct by a further 14 percent. “Probably as a direct result of the reduced misconducts,” the study’s author notes, “a similar increase in visitation would also reduce time served by 11 percent.”

These findings add to other recent studies linking visitation and reduced prison misconduct. The timing of visits may matter, as visiting “privileges” can swiftly be taken away as a cruel punishment: According to one study, misconduct tended to decrease in the three weeks before a visit. This may explain why more frequent visits lead to more consistent good behavior, better overall outcomes and post-release success. Families who visit, concluded Holt and Miller in the California study, are a “prime treatment agent” for incarcerated people.^②

Research has also found that visitation is linked to better mental health, including reduced depressive symptoms — an important intervention for the isolated, stressful experience of incarceration. Yet even before the pandemic halted visitation, and despite these known

People in state prisons who received visitors were less likely to return to prison after release

Recidivism measures of people released from Minnesota state prisons between 2003 and 2007 who received visitors during their incarceration, compared to those who did not



Created by the Prison Policy Initiative; data from the Minnesota Department of Corrections, “The effects of prison visitation on offender recidivism,” Nov. 2011.

benefits, correctional facilities have made visitation hard due to remote locations, harsh policies, and the financial incentives to replace visits with inferior video calls.

Consistent phone calls to family improve relationships

Phone calls tend to be more common than in-person visitation, as they involve fewer logistical barriers. In fact, the key studies we found reveal that *80 percent or more* respondents used phone calls to contact family, far more than the number receiving visits, and sometimes more than those using mail to keep in contact.^③ As with visitation, family phone calls are shown to reduce the likelihood of recidivism; more consistent and/or frequent phone calls were linked to the lowest odds of returning to prison.

A 2014 study of incarcerated women found that those who had any phone contact with a family member were less likely to be reincarcerated within the five years after their release. In fact, phone contact had a stronger effect on recidivism compared to visitation, which the study also examined.

Of course, reduced recidivism is not the only benefit. A 2020 survey of incarcerated parents showed that **parent-child relationships improved** when they had frequent (weekly) phone calls.

These positive findings have not gone unnoticed by senior policy makers: “Meaningful communication beyond prison walls helps to promote rehabilitation and reduce recidivism,” explained Mignon Clyburn of the Federal Communications Commission (FCC) in a 2015 statement on the high cost of phone calls. “In a nation as great as ours, there is no legitimate reason why anyone else should ever again be forced to make these levels of sacrifices, to stay connected.”^④

Given the frequency and importance of phone calls from prisons and jails, their prohibitive cost in many jurisdictions and the loss of phone “privileges” as a punishment are both inhumane and counterproductive.

Mail correspondence is a lifeline, and taking it away only hurts families

Mail is widely understood as a major lifeline for incarcerated people, with some literature finding that it’s the most common form of family contact. The fulfilling feeling of receiving personal mail, the ability to write and read (and reread) mail at one’s own pace, and the relatively low cost of a letter mean that it’s a highly practical and cherished mode of communication, universal to people both inside and outside of prison. And while prison mail hasn’t taken center stage in academic literature, some of the studies mentioned earlier did examine mail contact as part of their methods, finding that it

contributes to parent-child attachment and relationship quality.

Yet mail is another example of a service whose benefits become obvious once it's under attack. In 2007, notoriously cruel Maricopa County, Arizona, sheriff Joe Arpaio instituted a postcard-only policy in the county jail, with sheriffs in at least 14 states following suit. These postcard-only policies severely limit parents' and children's ability to stay in touch. A study of incarcerated parents in Arizona cited mail as the most common mode of communication with their children, and **those who used mail contact reported improved relationships with their children** as compared to the year before their incarceration. Postcards also change the economic argument for mail correspondence: With their tiny physical space available for writing, we found that relaying information on a postcard is about 34 times as expensive as in a letter.

Personal letters are a highly practical and cherished mode of communication for people inside and outside of prison.

In recent years, other correctional systems have embraced another mail-restriction policy that advocates know is harmful: The telecom company Smart Communications has created "MailGuard," a mail digitization service marketed as a response to (exaggerated) claims of contraband entering prisons through the mail. MailGuard's scans of letters and photographs tend to be low-quality, and privacy is clearly violated as one's mail is opened and scanned. We've criticized this practice and maintain that mail scanning is a poor substitute for true mail correspondence.⁵

Video calling and emerging technologies could enhance carceral contact if they weren't prohibitively expensive

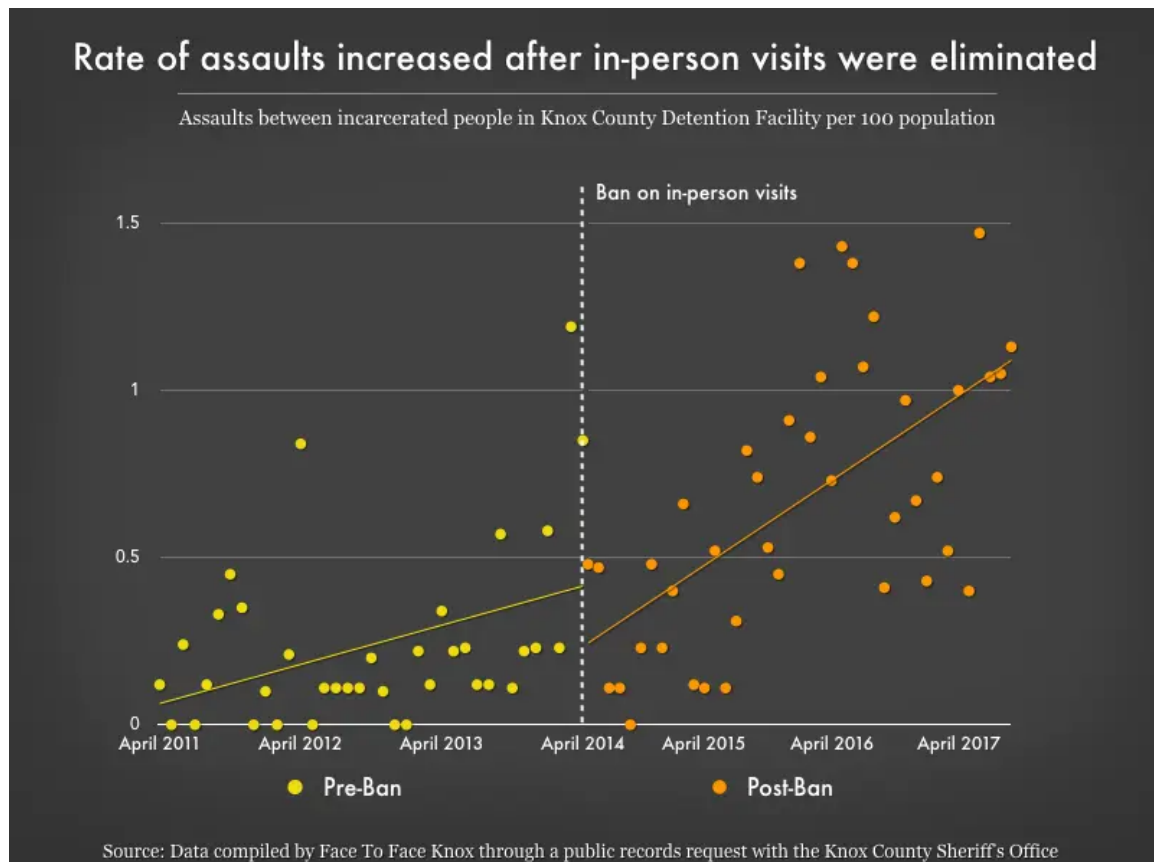
Sometimes billed as "video visitation," video calling from prisons and jails allows families to connect virtually. Used effectively as a supplement, video calls could help eliminate many of the barriers that in-person visitation presents. However, we've argued time and time again that these calls fail to replicate the psychological experience — and therefore benefits — of in-person visitation, and should never be used as a replacement. A 2014 survey found incarcerated people in Washington State were pleased when video calling allowed family to see them, but extremely frustrated by the cost and significant technical challenges of the software. Video calling is a "double-edged sword" providing a mediocre service while lining the pockets of private corporations.

Most advocates and groups (including the American Correctional Association) agree that video calling should only *supplement* in-person visitation, not replace it entirely. But anecdotally, some corrections officials offer video calling only, and promote it as

Video calls fail to replicate the psychological experience — and therefore benefits — of in-person visitation.

a safer and more efficient option to visitation. (In terms of safety, the argument that most contraband is introduced into prisons through visitation is a myth we've busted.)

In fact, taking away visitation can make prisons and jails less safe. For example, when in-person visits were banned at the jail in Knox County, Tennessee, in favor of video-only visitation, incarcerated people lost the opportunity to maintain healthy social connections. As a result, **assaults between incarcerated people and assaults on staff increased in the months after the ban on visits was implemented**. Data also show that, similar to the Iowa study mentioned earlier, disciplinary infractions in the jail increased after the ban.



Though the Knox County, Tennessee Sheriff's Office claimed video-only visitation would be safer, the data suggest the opposite: The replacement of family visits with video calls at the Knox County Detention Facility resulted in more assaults between incarcerated people and on staff. There was also no drop in the rate of reported contraband, and there were higher levels of disciplinary infractions at the jail. See more of the devastating findings compiled by the grassroots coalition Face to Face Knox.

The Knox County research wasn't an isolated finding: In Travis County, Texas, there was an escalation of violence and contraband after that jail switched from offering both video calls *and* visitation for a few years, to banning in-person visitation altogether. The change also reduced overall family contact: The number of video calls dropped dramatically compared to the average number of in-person visits that had happened at the jail before the policy change. As it turns out, **the availability of both in-person visitation and video calling actually increased the average number of in-person monthly visits**. And unsurprisingly, visitors who were surveyed overwhelmingly preferred in-person visitation to video calling. In 2015, the Travis County Sheriff's Office reinstated in-person visits.

Technologies like video calling (and electronic messaging) have the potential to improve quality of life for incarcerated people and help correctional administrators run safer and more humane facilities. New research suggests that video calls may even help reduce recidivism (but only when they supplement in-person visits). Sadly, the promise of these new services is often tempered by a relentless focus on turning incarcerated people and their families into revenue streams.

Families endure tremendous hardship due to incarceration, but staying in touch can mitigate negative impacts

Many of the studies discussed here focused on the benefits of family contact for incarcerated people. But what about their families — do they gain from the time spent visiting, writing, or calling? Research says yes, **family contact also provides relief to the family of an incarcerated person**. This is important, because simply having an incarcerated loved one indicates poorer health and a shorter lifespan. In particular, children — the “hidden victims” of incarceration — are at increased risk for mental health problems and substance use disorders, and face worse intellectual outcomes compared to children without an incarcerated family member. (Youth can themselves be confined in detention facilities, turning parents into visitors; similar to the research explored earlier, visitation of confined youth was remarkably beneficial. ⁶)

Research suggests that families who visited during a loved one’s incarceration show improved mental health measures and have a higher probability of remaining together after release. And a 1977 study, explained in a larger review of family contact research, found that children who had displayed concerning behavior upon their fathers’ incarceration showed improved behavior after visiting with their fathers.

The R Street Institute sums it up nicely: Supportive family relationships can promote psychological and physiological health for incarcerated people and their loved ones, at a time when everyone’s health is otherwise deteriorating. When done well, visitation can ease anxiety in children and mitigate some of the impacts on strained interpersonal relationships. Serving families at this most critical period simply makes communities healthier.

Making family contact readily available should be a no-brainer for prisons and jails

Of course, staying in touch with an incarcerated person is almost never easy. There can be great distress and tension as a family navigates its role, and the inconsistent timing and frequency of contact can be unsettling to someone whose incarceration is overly predictable and tedious, while life outside can be anything but.

Still, academic research is unified in its message that **family contact during incarceration provides immense benefits**, both during incarceration and the reentry period. Prisons and jails should make all types of family contact safely and equitably available, and end the practice of taking contact away as a punishment for rule violations. And with no certain access to visitation as the pandemic wears on, families and incarcerated people should receive more phone and video time, fewer fees, and better mail options in order to preserve family ties and the critical benefits that result from family contact.

Below, we've compiled all of the research discussed and linked above as a bibliography for our readers. And for further reading on the harmful restrictions on communication between incarcerated people and their loved ones, see our resources on visitation and our campaigns fighting for phone, mail, and visitation justice.

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Footnotes

1. In this study, both family members and non-family members like mentors and clergy were connected to this reduced risk of recidivism. ↩
2. More importantly, Holt and Miller assert that “correctional systems can no longer afford to incarcerate inmates in areas so remote from their home communities as to make visiting virtually impossible.” Located in inconvenient areas for many, prisons are getting in their own way when it comes to treatment and rehabilitation. ↩
3. For example, in a [2020 study](#) examining contact between children and their incarcerated female parents, researchers found that when children communicated with their parents in prison, 76% of those who used phone contact did so weekly, 45% who used mail did so weekly, and 31% who visited did so weekly. ↩
4. The FCC, which regulates the cost of phone calls in the United States, has made strides in [capping prison and jail phone rates](#) and shutting down abusive practices by telecom companies. (We have [successfully fought](#) for some of these changes.) ↩
5. While there are still many harmful policies in place, some prisons and jails have backed down when families and the courts call out these attacks on mail, such as in [Portland, Oregon](#), in 2012 and in [Santa Clara County, California](#), in 2015. ↩
6. A study of family visitation frequency in Ohio juvenile facilities found that youth who were visited by family regularly (defined as weekly) had a grade point average that was 2.1 points higher than youth who were infrequently or never visited. Additionally, behavioral incidents decreased as the overall frequency of visitation increased among the families of confined youth. The researchers note that white youth in this study had higher GPAs than nonwhite youth, and that factors beyond their control could be contributing to the calculation of GPAs of youths of different races, so they suggest that the results merit further exploration. Still, frequent family visitation did improve GPAs after controlling for race and other variables. ↩

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Exhibit 3

ICS Provider Prepaid Fund Policies

Carrier	Inactivity Period	Policy Language	Source
Encartele	none	Encartele appears to treat prepayments as advance "purchases" of data. The company's terms state that "For data that is purchased and not used, Encartele allows you to sell back your data at the price then in effect. If you agree to sell back your unused data at the price then in effect, funds will be paid via check sent to you in the mail."	Terms of Service
Global Tel*Link	180 days	Under the settlement agreement currently pending judicial approval in <i>Githieya v. GTL</i> (U.S. Dist. Ct., N.D. Ga., Case No. 15-cv-986), "GTL shall adopt a baseline policy that lengthens the period of time before the Inactivity Policy will be applied to any AdvancePay Account from 90 days to 180 days nationwide."	
ICSolutions (affiliate of Turn Key Corrections)	6 months	"Prepaid Account phone services expire six months from the date of your last purchase (funding) to the account, unless otherwise required by state law. In other words, if you do not fund the account for a period of six months, you will forfeit any funds remaining the account."	Frequently Asked Question #13
Securus	180 days	"AdvanceConnect account holders have 180 days from the date of the last call received on the AdvanceConnect account to request a refund of any unused balance."	AdvanceConnect Terms and Conditions