



January 19, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WC Docket No. 12-375
Comments re Third Further Notice of Proposed Rulemaking 296-307

Dear Ms. Dortch,

We are grateful to the FCC for the opportunity to provide comment on the Third Further Notice of Proposed Rulemaking, primarily in regards to video visitation services in prisons and jails, as well as international calls. The **Illinois Campaign for Prison Phone Justice** is a state-wide project of the Urbana-Champaign Independent Media Center (UCIMC), part of the **Media Action Grassroots Network (MAG-Net)**, which coordinates efforts to achieve equity in prison and jail phone and video services.

We want to add our voice to the growing concern about the expansion of video visitation in prisons and jails. In particular, based on the research we have done on the use of video visits in Illinois, we wish to highlight the extent to which the operations of video visitation are geared almost entirely to enhance the profit margins of the service providers and/or the revenue streams of local sheriffs. In our view, visitation should be structured so as to provide additional opportunities for meaningful visits, optimize convenience, and guarantee the human right to communicate for those who use the service.

Video Visitation in Illinois

Elimination of Face-to-face Visits

At present, the Illinois Department of Corrections does not use video visitation. However, our 2015 survey of county jails in Illinois, combined with similar research done by Prison Policy Initiative, reveals a total of 15 counties that have video visitation systems operating. The major service provider is Securus Technologies, which holds nine of the fifteen contracts surveyed. As they have done in other states, in Illinois **Securus has locked providers into contracts that eliminate face-to-face visits as a condition of providing the technology**. This practice has been the target of criticism in a number of locations. The most notable was a 2014 mobilization in Dallas County, Texas which resulted in the successfully elimination of the no face-to-face visit provision for video visits. **While Securus has publicly stated that**

the company will no longer engage in the practice of making elimination of face-to-face visits a stipulation of their video visitation contracts, our field work verifies that Securus has not stopped this practice in multiple counties in our state. Therefore, FCC action is needed to end this malicious practice, which further threatens the ability for family members to stay connected to their loved ones inside.

Burdensome Constraints

Other aspects of video visiting in Illinois are also disturbing. For example, Adams, Boone, Kankakee, Lake, and Whiteside counties, all Securus clients, **demand that visitors book on-site video visits 24 hours in advance** [See Appendix B, C]. Additionally, Adams and Kankakee counties **only allow for one on-site video visit per week**. This completely neglects the reality of both the legal process and the life situations of the majority of people incarcerated in county jails. Numerous circumstances may lead to the crucial need for a visit on short notice, or for multiple visits per week. These may relate to changes in the legal process such as the result of a court hearing or the uncovering of new evidence. They may also relate to the personal circumstances of the loved ones of the person in the jail. Unforeseen family illnesses, alterations in work schedules, or changes in transportation arrangements all can precipitate the need for a person to visit without being able to provide a 24 hour notice. With the availability of video visits, there is also need to place unnecessarily restrictive numbers of visitations.

Exorbitant Rates

Another area of concern relates to the financial framework for video visits. First of all, **the rates charged for video visitation often appear exorbitant**. Kankakee, Lake, Tazewell and Boone County, all charge **twenty dollars for a twenty minute session** [See Appendix A]. Lake County also adds a \$5.95 transaction fee for video visitation [See Appendix B]. These rates are not affordable for most families with loved ones in jail.

Aggressive Marketing

The Securus contract with Kankakee County [See Appendix A] most aggressively markets video to families. It states explicitly the goal of having all those incarcerated in the jail signed up to do a minimum of one paid remote video visit per month within the first six months of installation. This lays out the possibility of a “quota” system where both staff and people inside the jail will be under pressure to ensure more use of the video visitation system, largely at the expense of already financially stressed families.

Adams County [See Appendix C] has also engaged in the questionable practice of using temporary promotional prices of five dollars for twenty minutes to attract more clients. This moves further toward the commodification of family relationships and leads to situations where a sudden price hike results in the cessation of communication.

Bundling of Video and Phone

An additional problem with the contractual agreements is bundling. For instance, the contracts in Lake, Kane, and Kankakee counties bundle video visitation and phone services into one document. This

creates the potential for true costs to be hidden by using the revenue from an unregulated product to cross subsidize another product with lesser profit margin.

Finally, although we have not conducted systematic research on this area, anecdotal evidence plus studies done elsewhere, indicate that there are considerable difficulties with this technology. These may relate to the resolution levels of the video, quality and volume of audio, the location of monitors both in visiting areas and inside the jail, camera angles which obscure the face of the people visiting, interruption of service and difficulties in connecting.

Future Directions and Recommendations

In the big picture, it is still early days for video visiting in Illinois. However, we believe that the trends and issues we have noted mandate a careful consideration of the further use of video visitation. The necessity for such scrutiny becomes even more apparent when we consider that Securus Technologies, a company that has made unconscionable levels of profits by over-charging for prison phone services for years, has become the major player in video visitation in Illinois and beyond.

Therefore, we call on the FCC to intervene on video visits in a similar manner as to what took place in regard to prison phones. The regulation of prison phone took several decades after abuses became clear—and millions of families suffered in the meantime. We urge the FCC to move quickly to regulate video visits. Since the technology is only beginning to establish itself in the carceral sector, the FCC has the opportunity to nip in the bud the unscrupulous profiteering and disregard for consumers.

Hence, given the above, we offer the following recommendations which we urge the FCC to adopt:

- **Prohibit companies from banning in-person visitation as a condition of offering video visitation or any other service.**
- **Regulate video visitation so that the industry does not shift voice calls to video visits, or develop new products such as “audio only” video visits designed to avoid phone regulations.**
- **Prohibit companies from signing contracts that bundle regulated and unregulated products together.**
- **Develop minimum quality standards for video visitation. This should include technology that does not require a high speed internet connection.**
- **Put an affordable cap on video visitation rates.**
- **Structure charges on a per minute basis rather than a flat rate per visit.**
- **Prohibit fees and ancillary charges.**
- **Ban any requirement for background checks for those doing off-site video visits.**
- **Allow no setting of age limits for those participating in off-site video visits.**
- **Prohibit systems that require an advance appointment for an on-site or off-site video visit.**
- **Prohibit quota system requiring a minimum number of video visits per customer per month.**
- **Provide for minimum of three video visits per week.**
- **Ensure that video visitation systems include technology that offers access to the disabled, especially the deaf, deafblind and hard of hearing.**

International Calls

Additionally, we would like to add a comment in regards to our findings of international calls in Illinois prisons. From our research, we have found that state facilities can offer affordable rates for international calls that are comparable to domestic calls. As we found in the contract for the Illinois Department of Corrections (IDOC)—which houses more than 48,000 people—the cost for domestic and international calls is the same: \$3.55. We believe the FCC can set a rate for international calls which is equal, or closely comparable to, domestic rates.

Conclusion

In closing, we would like to add two points. First, **we are not opposed to video visitation technology.** This technology may allow people access to their loved ones when factors such as distance, working hours, childcare responsibilities, illness, disability, access to transportation and legal restrictions make face-to-face visits impossible.

Second, while in the present situation we support the regulation of video visit technology as provided by the private sector, in the long run we believe that **visiting should be publicly funded by the criminal justice system.** We argue that providing adequate visiting facilities is a fundamental responsibility of all jails, prisons, immigration detention centers and other carceral facilities. In the present age, adequate visiting facilities should include an electronic option like video visiting, free of charge.

We look forward to future debate and discussion on this and eagerly await the day when the FCC takes meaningful action to regulate video visitation.

Sincerely,

James Kilgore, Brian Dolinar, and Danielle Chynoweth
Illinois Campaign for Prison Phone Justice of the Media Action Grassroots Network

Appendices:

Appendix A: Contract with Kankakee County, Illinois showing exorbitant rates at \$20 for 20 minutes, or \$40 for 40 minutes. Also illustrates aggressive marketing techniques introducing a quota system into volume of video visits.

Appendix B: Contract with Lake County, Illinois showing \$5.95 transaction fee, and requirement of 24-hour appointment scheduling.

Appendix C: FAQ from Adams County, Illinois showing 24-hour appointments required, one onsite visit per week restrictions, and promotional offers.