

VIDEO VISITATION:

HOW PRIVATE COMPANIES PUSH FOR VISITS BY VIDEO AND FAMILIES PAY THE PRICE

OCTOBER 2014



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leadership**
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TEXAS CRIMINAL
JUSTICE COALITION

INTRODUCTION

"There are already too many industries taking advantage of inmates and their families, everything from overpriced commissary goods to incredibly expensive collect phone calls. We don't need any more of these great, and expensive, ideas that prey on those who can least afford it."¹

—Bob Ray Sanders, Columnist, Ft. Worth Star Telegram

In September 2014, a group of Dallas-area advocates led a fight against an initiative that would have introduced video visitation capability to the Dallas County jail. The company proposing to provide services to Dallas had buried in its contract a requirement that the jail eliminate in-person visitation, thus leaving those who wished to visit prisoners only one option – visit by video. Or, don't visit at all. Dallas officials voted the proposal down, but it was the latest front in a battle that has seen video-only visitation policies spreading across the country, primarily in local lockups.

Embraced by jail officials as a way to alleviate what many see as the burdensome security aspects of prison visitation, the primary attraction of video-only visitation actually rests on one facet: money.

While prison advocates have long anticipated the technology that would allow for video visits as a way to increase communication between incarcerated individuals, their family, and community members, it was always envisioned as a supplement to in-person visitation. The reality of incarceration is that many individuals are assigned to units in rural communities, far away from their loved ones, burdening mostly low-income families with travel and lodging expenses far beyond their means. When one's family does not have a vehicle, lives hundreds of miles away, and simply cannot afford the trip, a visit via video would be welcomed.

But advocates always envisioned a choice for families with incarcerated loved ones as to whether or not they would make those sacrifices in order to support them – a choice that should be left in the hands of those with the most stake in the matter. Video-only visitation policies strip away that choice; they are simply another outgrowth of the idea that offering services to prisoners and their families can be commercialized.

In fact, video visitation can be expensive for "visitors," with fees averaging 50 cents per minute for a 20-minute call. While this may seem reasonable, video provider companies likely realize that the ease with which some can schedule a video visit means that more will be scheduled, and

skyrocketing costs (in the form of income for companies) will follow. In addition, many companies require a minimum deposit for opening a video account and do not readily refund the balance if a prisoner is released.

In addition to this troubling aspect of visitation policies, they pose other significant challenges

- **Disruptions to Family Bonding:** Prison and jail visitation policies should recognize that family support is crucial to maintaining the relationships between those incarcerated and those who love them, especially as it pertains to developing and maintaining bonds between parents and children. Every available study agrees: Best practices for developing those bonds involve in-person visitation, preferably contact.
- **Removal of Management Tool:** Prison and jail administrators have long recognized that visitation can be a powerful management tool. Incarcerated individuals treasure those times with their family and friends, and corrections officials have always used the threat of losing visits as an incentive for good behavior. Taking away that tool may make jails and prisons less secure, as data from Travis County, Texas, indicates, with violence and contraband **escalating** a year after the elimination of in-person visits.
- **Usage Difficulties due to Digital Divide:** Using the technology requires computer literacy, which becomes a barrier for many desiring to use the service. Even those with a firm grasp of computer technology report frustration dealing with the many glitches and interruptions of service. Given the demographics of those in American jails and prisons – poor, mostly minority, a significant portion of whom speak Spanish as a first language – this technology may prevent any meaningful communication.
- **Privacy Violations:** Finally, there is evidence that phone calls between them and their attorneys are being recorded, and that prosecutors are using evidence gained from jail-initiated calls and video visits to secure convictions. This is a constitutional violation of the right to be free of unreasonable searches, and it may lead to unnecessary legal expenses to municipalities in the form of lawsuits against the practice itself or appeals of convictions gained by questionable means.²





THE BENEFITS OF IN-PERSON PRISON AND JAIL VISITATION

“Corrections administrators should be cognizant that traditional contact visitation is the best means of communication between children and their incarcerated parent; however, in many circumstances it is impractical for families to visit their loved ones in prison.

Virtual visitation helps if the prison is too far, transportation is too expensive, or the prison environment is inappropriate for a child. In-person visitation is regarded as the most effective form of child-incarcerated parent visitation.”³

—Vermont Legislative Research Services

The American Bar Association (ABA), in its Standards on Treatment of Prisoners, makes it clear that visitation policies for incarcerated individuals should include in-person visits. The ABA emphasizes that 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.**”⁴

Jail visits can be chaotic. Visiting rooms are often crowded and noisy. Visitors can be subjected to physical pat-downs and searches of their bodies and vehicles. The experience of walking under the razor wire and through metal detectors, and then seeing one’s loved one only behind glass, can be disheartening and leave one shaken. These factors can be especially unsettling for young children.

And already, children of incarcerated parents face challenges. In fact, for the estimated 2.6 million children who have a parent in jail or prison,⁵ the separation between child and parent due to incarceration can result in feelings of guilt and shame, social stigma, loss of financial support, weakened ties to the parent, poor school performance, increased delinquency, and increased risk of abuse or neglect. Visitation, as one paper points out, “substantially decreases the negative impacts of incarceration by preserving the child’s relationship with the parent.”⁶ This study further points to the Children of Incarcerated Parents Bill of Rights, developed by the San Francisco Partnership for Incarcerated Parents, which states, “I have the right to speak with, see, and touch my parent.”⁷

In-person visitation not only has positive effects on visiting children; it has benefits to society in the form of lowered recidivism rates. A Minnesota study looked at over 16,000 incarcerated individuals between 2003 and 2007 and examined visitation over their entire sentences, finding that *even one* visit reduced recidivism by 13 percent for new crimes and by 25 percent for technical violations.⁸ It is worth pointing out that every one of these visits was conducted face-to-face and in person.

GROWING RESTRICTIONS ON IN-PERSON VISITATION AT THE COUNTY LEVEL

Restrictions on visitation vary enormously from state to state, and there is a continuum within each state, allowing for more or less visits depending on a given individual’s disciplinary history, security classification, and other factors. North Carolina state prisons allow a maximum of one visit per week for a maximum of two hours, while New York prisons allows visits 365 days per year, along with providing for conjugal visits. South Dakota prisons allow incarcerated individuals to visit only with family members, but California permits individuals in its prisons to list an unlimited number of visitors.

However, there is one area where all 50 states agree: Each allows in-person visitation, and not one has mentioned a policy shift toward replacing in-person visitation with video-only visits. While seven states provide for a type of video visitation in their policy directive, and another 11 have begun some type of program without mention in their regulations,⁹ these video visits are supplemental to in-person visits.

It is curious that county jails – with a preponderance of individuals who have not been convicted, and whose security concerns are not as dire as those of prisons – are the entities most likely to cite security concerns as a rationale for denying in-person visits to family and friends. Why aren’t state prison systems similarly moving to eliminate in-person visitation, even non-contact visitation? Aren’t their security concerns deeper than those of counties, since every person in a state prison has been convicted of a felony and has received a prison sentence, while those in county jails have not?

Perhaps there is a clue in the above-cited study of visitation in the 50 states: Reducing visits “may not provide as strong a disincentive to disciplinary infractions in the prison, **thereby decreasing rather than increasing** security in correctional facilities.”¹⁰ In other words, from a prison administrator’s point of view, the basis for in-person visitation in prisons is that their existence makes for safer prisons. Take that away and it may well be that individuals with little to look forward to will be harder to manage.

That is what seems to have happened in Travis County, Texas.

DOES LIMITING IN-PERSON VISITATION DECREASE VIOLENCE AND CONTRABAND?

A CASE STUDY ON TRAVIS COUNTY, TEXAS

While Dallas County and Bexar County (which includes San Antonio) have begun to examine video-only visitation, Travis County (which includes Austin) made that leap in May 2013. Although the proposal to introduce video visitation was made to the county commissioners as a way to augment in-person visitation, jail officials quietly eliminated all visits other than those conducted via video conference. And, as jail officials elsewhere have claimed, Travis County jail administrators promised that eliminating in-person visits would increase jail security and reduce contraband and free up guards for other duties.

These promises were tested through an Open Records Request, made in July 2014, which sought answers to the following questions:

- How many inmate-on-inmate and inmate-on-staff assaults had occurred at the jail the year since the policy began?
- How many inmate-on-inmate and inmate-on-staff assaults had occurred at the jail the year previous to introducing the policy, with in-person visiting options available?
- How many possession of contraband cases had the jail assessed the year since the policy began, and how many had it assessed the year previous to instituting the policy, with in-person visits in place?
- How many total disciplinary cases had jail officials assessed in the year the policy had been in place, and how many had it assessed the year previous to instituting the policy, with in-person visits in place?

The results were enlightening (*see Appendix i, ii, and iii for details*). Total disciplinary infractions and incidents **increased**, as did assaults, within the year after the elimination of in-person visitation. Possession of contraband infractions also increased. To be more specific:

- Disciplinary infractions in the Travis County Correctional Complex **climbed** from approximately 820 in May 2012 to 1,160 in April 2014. The facility **averaged** 940 disciplinary infractions per month during the prior year and it has **averaged** 1,087 disciplinary infractions per month since then.
- Disciplinary cases for possession of contraband in the facility **increased** an overall 54 percent from May 2013 through May 2014.
- Inmate-on-inmate assaults saw a 20 percent **increase** between May 2012 and May 2014.

Most troubling, inmate-on-staff assaults immediately **doubled** after elimination of in-person visits, going from three in April 2013 to six in May 2013, climbing to seven in July 2013, and topping out at eight in April 2014, with slight declines in between.

It may well be that these figures are an aberration, and that they will trend downward in subsequent years. Other Texas counties with video-only visitation policies have not yet responded to Open Records Requests, and it may be that these results are not replicated.

However, it is also fair to point out that supporters of video-only visitation policies have not researched or uncovered any positive effects that result from these policies in other jurisdictions, instead preferring to defer to optimistic predictions from jail officials. But it is beyond debate that the incidents of violence and contraband have not been reduced at the Travis County Jail as a result of this policy.

If social scientists agree that in-person visitation is best for families, and if prison administrators maintain that in-person visitation is good prison policy, why is there such movement toward stripping incarcerated individuals of that privilege and adopting video-only visitation policies?



MONEY, MONEY, MONEY

“Dollar bills, y’all.”

“For the love of money” – *The O’Jays*.

Dr. Patrice Fulcher, a tenured Associate Professor at the John Marshall Law School in Atlanta, Georgia, has written extensively on visitation policies and does not mince words when describing the reasons behind the push for video visitation. Fulcher blames the “Prison Industrial Complex,”¹¹ which she describes as a “multimillion-dollar profiteering industry that is driven by the greed of private corporations, the federal government, federal, state, and private correctional institutions, and politicians.”¹²

If you think that is an exaggeration, consider the following:

- By their very nature, private companies that contract with jails and prisons depend on an increasing flow of prisoners. Corrections Corporation of America (CCA) and GEO Group spend millions each year on state, local, and federal lobbying.¹³ They recognize, and are not shy about telling their investors, that their bottom line can be “adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by criminal laws.”¹⁴
- These same companies demand that their prisons be kept between 80 to 100 percent full, causing some states with declining prison populations to divert prisoners from public prisons to private facilities just to fulfill their contracts.¹⁵
- In the Master Services Agreement that outlined the proposal from Securus Technologies to Dallas County to provide video visitation technology and support, the company stipulated that Dallas County would “eliminate all face-to-face visitation through glass or otherwise at the Facility and will utilize video visitation for all non-professional on-site visitors” (*see Appendix iv, p. 15*). Securus was demanding that Dallas County structure its visitation policies in a way that would maximize its access to individuals in the jail. And Dallas County Commissioners were ready to agree, willing to cede control of the jails visitation policy for the \$3.5 million that Securus was guaranteeing.
- Also in the Agreement, Securus required Dallas County to “reduce on-site [video] visitation availability to no more than twenty hours per week” (*see Appendix iv, p. 15*). This meant that the only avenue the thousands of visitors to the Dallas County jail had in order to be allowed a free video visit was to take advantage of that 20-hour window. Not content, Securus went on to demand that Dallas County would “further reduce on-site visitation hours to achieve minimum usage results of one (1) remote paid visit per inmate per month” (*see Appendix iv, p. 15*).
- Although one remote visit per month was Securus’ initial goal, the company also stipulated that Dallas County would forfeit its 20 percent commission from video visitation if the average monthly video visits per inmate did not reach 1.5 visits per month. But Securus offered carrots along with the stick. The contract provided incentives to Dallas County if it successfully pushed incarcerated individuals to schedule more video visits, upping its percentage of commissions to 22.5 percent if inmates averaged two video visits per month and 25 percent of commissions if inmates averaged three video visits per month (*see Appendix iv, p. 18*).
- According to a recent article in the Los Angeles Times, Global Tel-Link, which provides the L.A. County jails with its video visitation services, guarantees L. A. County \$15 million yearly for undisputed access to the incarcerated individuals.¹⁶
- Travis County received \$1.6 million from Securus as pre-paid commissions in October 2007 from its telephone contract, and the County is paid 23 percent of all gross revenue that Securus received from its monopoly on video visitations (*see Appendix v, p. 3*).



CONCLUSION

The cycle that begins when poor people are arrested goes thusly: They cannot afford bail or bond so they await trial in jail, they lose their low-paying jobs, their families are forced to scramble because of the lost income, and, as Fulcher points out, “the money depleted from families of incarcerated inmates is excessive from the onset, and may increase exponentially every day their loved one is in custody.”¹⁷

Throughout the incarceration experience, there has existed one constant for those involved – the prospect of visits from friends and family, who take it upon themselves to plan and save and endure the indignities of entering a jail or prison to deliver the message: You may have made a mistake, but you are part of our family and community, and you are loved.

The corporations and privately held companies that have decided to pursue profits from this marginalized population are quick to see and seize

money-making opportunities, and they are indifferent to appeals rooted in what is best for the public interest. But, as in all matters involving the criminal justice system, it is the government’s responsibility to enact policies that are fair, just, and humane, and that will ensure incarcerated individuals will return to society with their dignity and relationships as intact as possible.

Video-only visitation policies ignore best practices that call for face-to-face visits to foster family relationships. They advance arguments about security that are dubious, not rooted in research, and may be counter-productive. They rely largely on payment from those who have not been convicted of a crime, who are without funds for representation or freedom, and who now must pay for simple human contact. These policies are unconscionable and deserve no place in American corrections facilities.

TEXAS COUNTIES THAT OFFER OR ARE CONSIDERING VIDEO-ONLY VISITATION POLICIES

County	Video-Only In Place	Considering	Company Offering
Galveston	Since 2008	--	
Fort Bend	Since 3/2009	--	Securus
Brazos	Since 2010	--	
Midland	Since 6/2011	--	
Travis	Since 5/2013	--	Securus
Hays	Since 11/2013	--	Securus
Tom Green	Since 4/2014	--	Edge Access
Ellis	Yes	--	
McLennan	Yes	--	
Smith	Yes	--	
Bastrop	--	Plans to initiate 11/2014	
Bexar	--	Vote before Commissioner’s Court	
Dallas	--	Initially rejected, but another vote planned	Securus

RECOMMENDATIONS

1. Immediately restore in-person visitation at the Travis County Jail, and work with advocates and appropriate entities to make policy change that allows for contact visits in the future. Prisoners at Travis County Jail should have access to the highest level of visitor contact allowed by law.
2. Stop eavesdropping on prisoners’ conversations using Securus video conferences or any other communications technologies.
3. Eliminate all commissions from the fees levied for Securus services, thereby reducing the fees for families and loved ones; revenue from use of the service should not be used to line corporate pockets.
4. Address pressing technical problems with the Securus video service that hinder access to communication between prisoners and their loved ones.

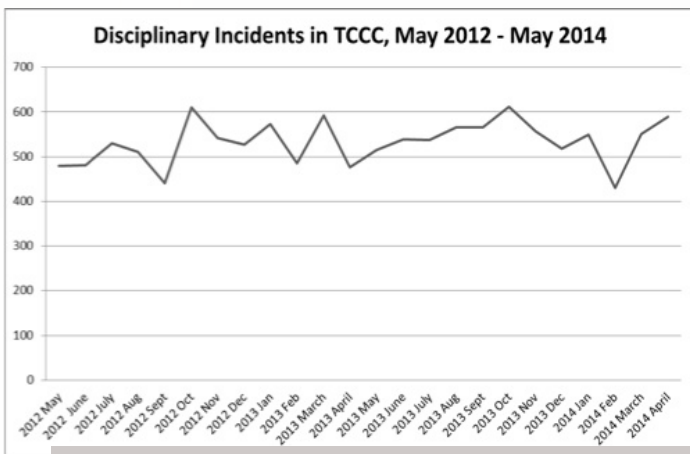
REFERENCES

1. Sanders, B. (2014, September 13). It’s a bad idea to limit inmate visits to video. Ft. Worth Star Telegram. Available at http://www.star-telegram.com/2014/09/13/6116062/its-a-ad-idea-to-limit-jail-inmate.html?fb_action_ids=767539953307183&fb_action_types=og_comments&rh=1
2. Beach, P., Chavez, N., & Uloa, J. (2014, April 28). Lawsuit: Travis County inmates’ calls to defense lawyers were recorded, shared with prosecutors. Austin American-Statesman. Available at <http://www.mystatesman.com/news/news/crime-law/lawsuit-travis-county-inmates-calls-to-defense-law/nfktr/>
3. Immarigeon, R. (2002). Virtual visitation program uses video conferencing to strengthen prison contacts with families and children. National Criminal Justice Reference Service, Ofender Programs Report, p. 35-47. Available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=197834>
4. ABA Criminal Justice Standards on Treatment of Prisoners. American Bar Association. (2010). Standard 23-8-5 Visiting. Available at http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners.html#23-8-5
5. Phillips, S. (2012). Video visits for children whose parents are incarcerated: In whose best interests? The Sentencing Project. Available at http://sentencingproject.org/doc/publications/cc_Video_Visitation_White_Paper.pdf
6. Connecting children with incarcerated parents. Child Protection Best Practices Bulletin. (2011). Available at <http://childlaw.unm.edu/docs/BEST-PRACTICES/Connecting%20Children%20with%20Incarcerated%20Parents%20%282011%29.pdf>
7. Ibid.
8. The effects of prison visitation on offender recidivism. Minnesota Department of Corrections. (2011). Available at <http://www.doc.state.mn.us/PAGES/files/large-files/Publications/11-11MNPPrisonVisitationStudy.pdf>
9. “Boudin, C., Littman, A., & Stutz, T. (2014). Prison visitation policies: A fifty-state survey. p. 27. Social Science Research Network. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2171412
10. Ibid., p. 31.
11. Fulcher, P. (2014). The double edged sword of prison video visitation: Claiming to keep families together while furthering the aims of the prison industrial complex. Florida A & M Law Review, Spring issue, p. 106. Abstract available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2461815
12. Ibid, supra. p. 106.
13. Razor, D. (2012, Spril 26). Prison industries: “Don’t let society improve or we lose business.” Truthout. Available at <http://truth-out.org/news/item/8731-prison-industries-dont-let-society-improve-or-we-lose-business-part-i>
14. CCA 2013 Annual Report on Form 10-K, p. 26-27. Available at <http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-reportsannual>
15. Criminal: How lockup quotas and “low-crime taxes” guarantee profits for private prison companies. In The Public Interest (September 2013). Available at <http://www.inthepublicinterest.org/sites/default/files/Criminal-Lockup%20Quota-Report.pdf>
16. Lazarus, D. (2014, September 8). Gouging L.A. County inmates with high phones. Los Angeles Times. Available at <http://www.latimes.com/business/la-fi-lazarus-20140909-column.html>.
17. Fulcher, supra. p. 108.

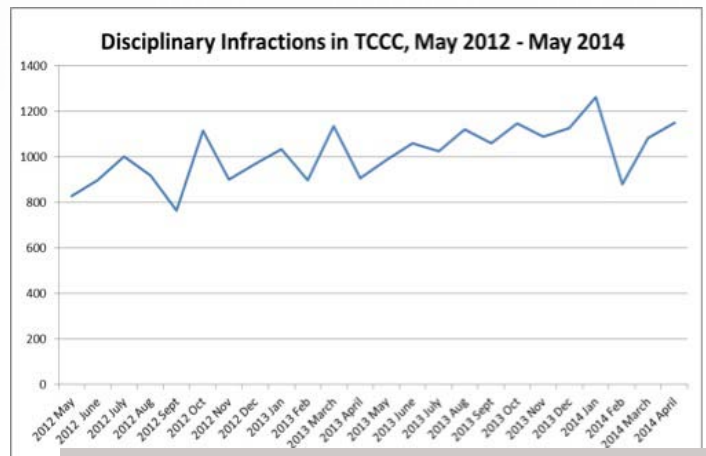
APPENDIX I, DISCIPLINE

Travis County Correctional Discipline Reports, May 2012 - April 2014

Year/Month	Disciplinary Incidents	Disciplinary Infractions
2012 May	479	828
2012 June	481	897
2012 July	530	1003
2012 August	510	919
2012 September	440	763
2012 October	610	1114
2012 November	542	900
2012 December	527	969
2013 January	573	1033
2013 February	486	898
2013 March	593	1136
2013 April	476	905
2013 May	515	987
2013 June	539	1060
2013 July	537	1026
2013 August	566	1121
2013 September	566	1060
2013 October	612	1146
2013 November	557	1090
2013 December	518	1127
2014 January	550	1262
2014 February	431	880
2014 March	551	1084
2014 April	590	1150



23.17 percent increase May 2014 versus May 2012

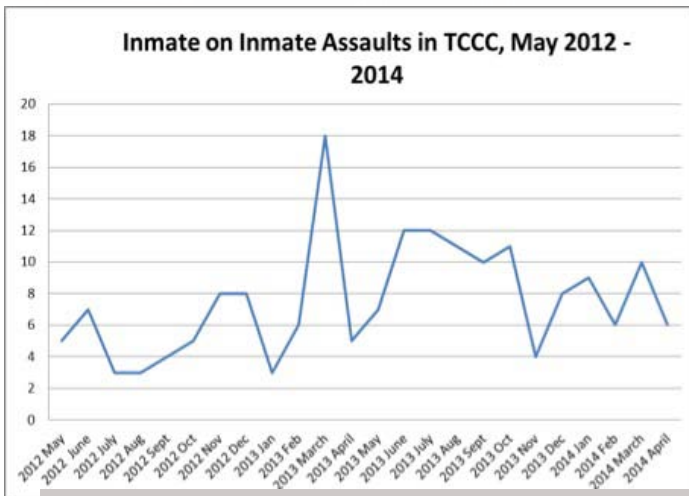


38.88 percent increase May 2014 versus May 2012

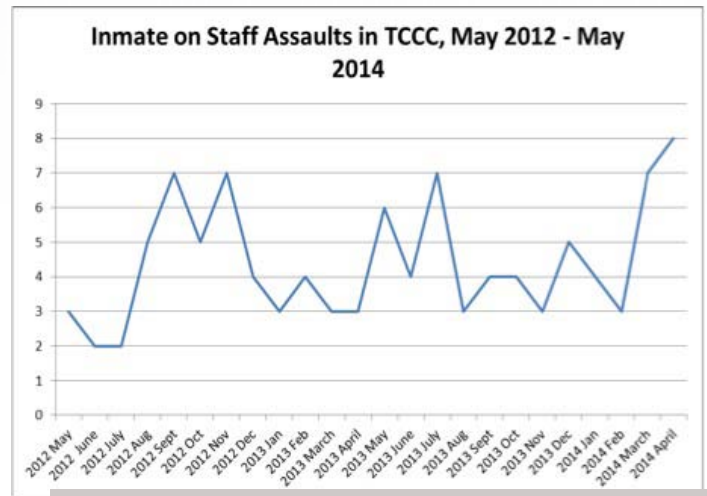
APPENDIX II, ASSAULTS

Travis County Correctional Assault Reports, May 2012 - April 2014

Year/Month	Inmate on Inmate Assaults	Inmate on Staff Assaults
2012 May	5	3
2012 June	7	2
2012 July	3	2
2012 August	3	5
2012 September	4	7
2012 October	5	5
2012 November	8	7
2012 December	8	4
2013 January	3	3
2013 February	6	4
2013 March	18	3
2013 April	5	3
2013 May	7	6
2013 June	12	4
2013 July	12	7
2013 August	11	3
2013 September	10	4
2013 October	11	4
2013 November	4	3
2013 December	8	5
2014 January	9	4
2014 February	6	3
2014 March	10	7
2014 April	6	8



20 percent increase May 2014 versus May 2012

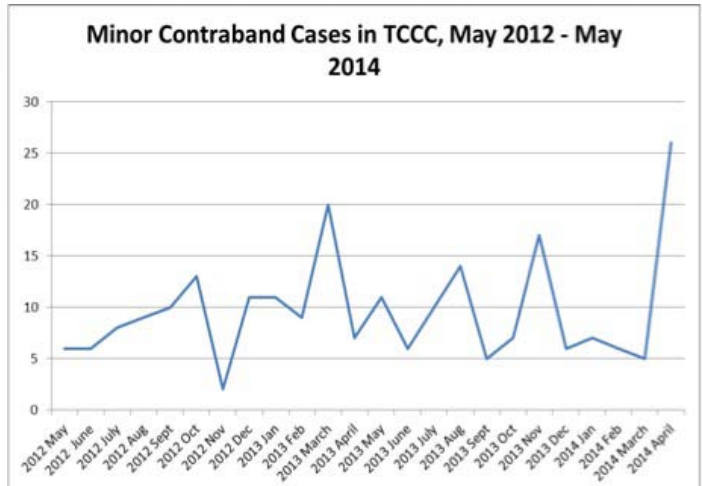
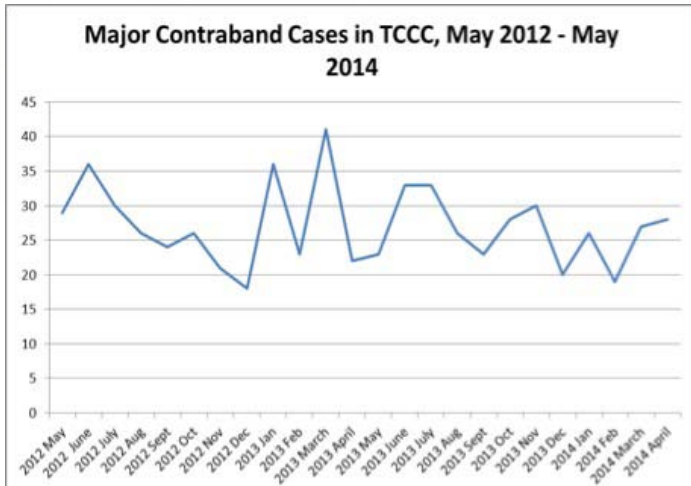


166.66 percent increase May 2014 versus May 2012

APPENDIX III, CONTRABAND

Travis County Correctional Contraband Reports, May 2012 - April 2014

Year/Month	Major Contraband	Minor Contraband
2012 May	29	6
2012 June	36	6
2012 July	30	8
2012 August	26	9
2012 September	24	10
2012 October	26	13
2012 November	21	2
2012 December	18	11
2013 January	36	11
2013 February	23	9
2013 March	41	20
2013 April	22	7
2013 May	23	11
2013 June	33	6
2013 July	33	10
2013 August	26	14
2013 September	23	5
2013 October	28	7
2013 November	30	17
2013 December	20	6
2014 January	26	7
2014 February	19	6
2014 March	27	5
2014 April	28	26



3.44 percent decrease May 2014 versus May 2012

333.33 percent increase May 2014 versus May 2012

Overall increase of 54.28 percent in contraband cases May 2014 versus May 2012

APPENDIX IV, SECURUS SERVICE AGREEMENT

(This reflects the first page of the agreement - the entire document can be found at: <http://grassrootsleadership.org/research.html>)



Master Services Agreement Dallas County (TX)

This Master Services Agreement ("Agreement") is by and between Dallas County, Texas ("County"), a political subdivision of the State of Texas acting by and through the Dallas County Commissioners Court, and Securus Technologies, Inc. ("Provider"), a Delaware corporation that is a wholly owned subsidiary of Securus Technologies Holdings, Inc., also a Delaware corporation. This Agreement resulted from negotiations between County and Provider under County's Request for Proposals No. 2014-017-6399 ("RFP"). County and Provider are referred to herein collectively as the "parties" and individually as a "party." This Agreement supersedes any and all other oral or written agreements, if any, between the parties and shall be effective as of the last date signed by either party (the "Effective Date").

Whereas, County desires that Provider install an inmate telecommunication system, and provide telecommunications and maintenance services according to the terms and conditions in this Agreement, and according to the Schedule and Work Orders, which are incorporated by reference into this Agreement; and

Whereas, Provider agrees to install the inmate telecommunications system and provide telecommunications and maintenance services according to the terms and conditions in this Agreement, and according to the Schedule and Work Orders, which are incorporated by reference into this Agreement; and

Whereas, the following attachments are incorporated by reference into this Agreement and are made a part of this Agreement as if set forth in their entirety herein:

Attachment A – County RFP No 2014-017-6399

Attachment B – Provider's Proposal for RFP, except portions that Provider marked "proprietary" or "confidential"

Attachment C – Provider's Best and Final Offer ("BAFO") for RFP

Attachment D – Provider's Response to County's Ten (10) Additional Questions during BAFO Process for RFP

Attachment E – Time Schedule for Implementation of Inmate Telecommunications System

Attachment F – Time Schedule for Implementation of Inmate Video Visitation System

The Customer's election of either (but not of both) Option A - Cost Recovery as Related to Operations and Administrative Expenses or Option B - Reduced Cost to Public No Commission.

Whereas, Provider and County acknowledge that while the portions in "Attachment B" that are marked "proprietary" or "confidential" will be redacted ("Redacted Portions") in the copy of this Agreement that is filed with the Dallas County Clerk, the "Redacted Portions" will remain part of this Agreement and Provider is equally responsible for the performance of those portions of this Agreement; and

WHEREAS, PROVIDER WILL PROVIDE ALL OF THE SERVICES AND APPLICATIONS THAT ARE REFERENCED IN THIS AGREEMENT, INCLUDING ANY ATTACHMENTS, AT THE RATES SPECIFIED, AND IN ACCORDANCE WITH THE REPRESENTATIONS MADE, IN "ATTACHMENT C" AND "ATTACHMENT D."

Now therefore, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

- 1. Applications.** This Agreement specifies the general terms and conditions under which Provider will perform certain inmate-related services and applications (the "Application(s)") for County. Additional terms and conditions with respect to the Applications will be specified in the schedules entered into by the parties and attached hereto (the "Schedules"). The Schedules are incorporated into this Agreement and are subject to the terms and conditions of this Agreement. In the event of any conflict between this Agreement and a Schedule, the terms of the Schedule shall govern. In the event of any conflict between any two Schedules for a particular Application, the latest in time shall govern.
- 2. Use of Applications.** County hereby grants Provider the exclusive right and license to install, maintain, and derive revenue from the Applications through Provider's inmate systems (including, without limitation, the related hardware and software) (the "System") located in and around the inmate confinement facilities identified on the Schedules (the "Facilities"). County is responsible for the manner in which County uses the Applications. Unless expressly permitted by a Schedule or separate written agreement with Provider, County will not resell the Applications or provide access to the Applications (other than as expressly provided in a particular Schedule), directly or indirectly, to third parties. During the term of this Agreement and subject to the remaining terms and conditions of this Agreement, Provider shall be the sole and exclusive provider of inmate related communications, including but not limited to voice, video and data (phone calls, video calls, messaging, prepaid calling cards, and e-mail) at the Facilities in lieu of any other third party providing such inmate communications, including without limitation, County's employees, agents or subcontractors.
- 3. Compensation and Fiscal Funding Clause.** Provider will be responsible for payment of all expenses and fees associated with the Performance of this Agreement, including but not be limited to wages, salaries, labor, services, materials, supplies, transportation, communications, licensing and inspection, taxes, insurance, and bonds. Compensation for each Application, if any, and the applicable payment addresses are as stated in the Schedules; however, both parties acknowledge that this Agreement is revenue generating and therefore, Provider will not pass any costs on to County. The compensation for each Application will not change during the Term of this Agreement. Provider acknowledges that County's obligations under this Agreement are expressly contingent upon the availability of funding for each item and

APPENDIX V, SECURUS CONTRACT MODIFICATION

(This reflects the first page of the contract modification - the entire document can be found at <http://grassrootsleadership.org/research.html>)

MODIFICATION OF CONTRACT NO 07T00173VC for Inmate Pay Phone Services			PAGE 1 OF 12 PAGES
ISSUED BY	PURCHASING OFFICE 700 LAVACA, 8 th FLOOR AUSTIN, TX 78701	PURCHASING AGENT ASST. <u>Scott Wilson</u> TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	DATE PREPARED: February 17, 2012
ISSUED TO: Securus Technologies, Inc. Attn: Robert Pickens 14651 Dallas PKWY, Ste. 600 Dallas, Texas 75254	MODIFICATION NO. <u>7</u>		EXECUTED DATE OF ORIGINAL CONTRACT: August 28, 2007
ORIGINAL CONTRACT TERM DATES: <u>October 1, 2007 through September 30, 2008</u>		CURRENT CONTRACT TERM DATES: <u>November 1, 2011 through October 31, 2012</u>	
FOR TRAVIS COUNTY INTERNAL USE ONLY			
Original Contract Amount: \$ <u>1,600,000</u>		Current Modified Amount \$ _____	
<p>DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.</p> <p>This modification is made by Securus Technologies, Inc. ("Contractor") and Travis County, Texas ("County").</p> <p style="text-align: center;">Recitals</p> <p>When County distributed a Request for Proposals (RFP # P070173-VC) from qualified companies for the delivery of inmate and public pay telephone services and other communications services for the Travis County Jail System, Contractor submitted the proposal that was determined to be the best evaluated offer for inmate and public pay telephone services and other communications services for the Travis County Jail System.</p> <p>The Contractor has offered to implement an Automated Information Service for the Travis County Sheriff's Office in consideration for the County's increase in the County's options to extend this contract without solicitation from four to eight. The functionality Contractor has offered is to be integrated with the existing County systems. Now, therefore, the Contractor and County agree as follows:</p> <p style="text-align: center;">Amendment</p> <p>1. AMENDMENT OF DEFINITIONS. Pursuant to Attachment D, section 12, effective October 1, 2011, section 1.1 is amended by adding the following definitions at the location noted below:</p> <p style="padding-left: 40px;">1.1 The definition of "Annual Option" is inserted at the beginning of 1.0 DEFINITIONS:</p> <p style="padding-left: 40px;">1.05 "Annual Option" means the County's unilateral right to extend this contract for the number of additional one (1) year terms listed in 2.2.</p>			
<p>Note to Vendor:</p> <p><input checked="" type="checkbox"/> Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.</p> <p><input type="checkbox"/> DO NOT execute and return to Travis County. Retain for your records.</p>			
LEGAL BUSINESS NAME: <u>Securus Technologies, Inc.</u> BY: <u>[Signature]</u> SIGNATURE BY: <u>Robert Pickens</u> PRINT NAME TITLE: <u>COO</u> ITS DULY AUTHORIZED AGENT			<input type="checkbox"/> DBA <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER DATE: <u>4/12/12</u>
TRAVIS COUNTY, TEXAS BY: <u>[Signature]</u> CYD V. GRIMES, C.P.M., CPPD, TRAVIS COUNTY PURCHASING AGENT			DATE: <u>4/15/12</u>
TRAVIS COUNTY, TEXAS BY: <u>[Signature]</u> SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE			DATE: <u>4-17-12</u>

A .pdf of this document is also available on the Grassroots Leadership website.

VIDEO VISITATION: HOW PRIVATE COMPANIES PUSH FOR VISITS BY VIDEO AND FAMILIES PAY THE PRICE

A Collaboration between Grassroots Leadership and the Texas Criminal Justice Coalition

This report was written by Jorge Antonio Renaud, MSSW

Many thanks to Bob Libal, Kymberlie Quong Charles, Jaynna Sims, Molly Totman, and Catherine Cunningham (design and layout)

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