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December 16, 2015

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Docket No. 12-375 – FCC Ruling Seeking Comments on Reforms for Video Visitation

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O’Rielly:

My name is Gary Humphries and I have over 39 years of experience in the communications field. I am currently the president of CuWAV, LLC, and was previously the president of HomeWAV, LLC, both of which provide patented platforms for web-based inmate video visitation. HomeWAV, LLC, has been a video visitation provider since 2011 and was cited this year in a report, *“Screening Out Family Time: The For-Profit Video Visitation Industry in Prisons and Jails,”* by the Prison Policy Initiative advocacy group as being a company that structures its systems in a more consistently fair and accessible manner than the market leaders. (<http://www.prisonpolicy.org/visitation/report.html>)

Originally I intended to use my background in videoconferencing and design my system using traditional analog/digital videoconferencing technology. But one day in a meeting with David Robinson, Chief of Corrections Operations for the Virginia Department of Corrections, he commented that it would be great if someone could design an affordable “Skype” type system for prisons that took into account the security issues that are inherent with detention facilities. As a result of this conversation, I designed and successfully implemented the first inmate-initiated, pay-by-the-minute, web-based video visitation system in 2011. I have been awarded two U.S. Patents (No. 9,094,569 B1 and No. 9,124,763 B2) and have a third pending application (No. 14879255).

Originally, HomeWAV was designed for a minimum 10-minute call, but one moment during a test run made me change my mind and offer one-minute increments. I saw a little girl giving her father a kiss goodnight and I threw my old design out the window. I was determined to make inmate visits as accessible, affordable, user friendly, and as high quality as possible (<http://www.biztechmagazine.com/article/2012/11/homewav-video-conferencing-enables-jail-visitiation-service>). With my system, both scheduled and unscheduled visits can be conducted and

there is no minimum call length, nor need for facility operator intervention. I have cited all of these facts in order to establish my credentials and sincerity so that I can present the following comments and suggestions based on my experience and lessons learned in the industry.

Effective Video Visitation

It is a well known fact that the chances of rehabilitation and a successful return to society for millions of Americans incarcerated in our jails and prisons are vastly improved if they remain in communication with their families and support services. Nothing can replace in-person or onsite visits, but challenges can be presented by distance, transportation costs, lost wages, etc. Today's video visitation technology can overcome those challenges if used wisely and judiciously. Video visitation presents the benefit of convenience, allowing families to visit from their homes using their personal computer or mobile device without having to endure long waits or security searches. Video visitation often allows facilities more flexibility in designating visiting hours and results in additional visiting hours via video. Children usually have an easier experience with video visits and can visit incarcerated parents more frequently. Video visitation, in its best use, can build on the benefits of onsite and in-person visiting by increasing the frequency and consistency of reconnecting with family and supportive friends.

Effective Use of Video Visitation Entails Making It More Accessible

In today's world of Skype and FaceTime, video visits are becoming commonplace and there is a growing acceptance of this form of communication. Technological advances are resulting in more user-friendly and affordable equipment; smartphones, tablet PCs, and desktop and laptop computers are in common usage today. Communications technology is rapidly changing and the expanding market of available devices is mind boggling. But the inmate video visitation industry has not kept pace. **Many of the major companies in the market do not support smartphone or tablet applications, and most do not support Apple devices. Video visitation providers should prioritize supporting their customers and whatever computing devices they want to use.** When I was with HomeWAV, 60% of the visits were done using the HomeWAV Android or iPhone/iPad application. One grandmother in particular wrote to thank us and tell how she took her tablet to church so her grandson could see and participate in the service.

Allow Scheduled and Unscheduled Visits. Another factor that would have a major impact on making video visits more accessible for more families regards the requirement of many providers that all visits must be scheduled in advance. **I advocate providing a visitation system that would allow both scheduled and unscheduled (ad hoc) visits to take place.** The benefits of scheduling software allows inmates and visitors to schedule visits in advance, providing facilities with additional control of the visitation process and the ability to manage available times for staff and inmates. It also gives visitors a firm, fixed visit period to plan for. However, when a facility must do lockdowns, cell searches, or other security tasks, they cannot schedule these in advance nor announce them, for obvious safety and

security reasons. These occurrences can conflict with a preset schedule of visitations and lead to an upset public and inmate population. I strongly believe that **adding the option for unscheduled visits** allows families more spontaneity to conduct a visit when they find they have available time, or for a family event such as a good report card or good health news, or just a call to say goodnight.

Paying For Visits. An important factor I want to bring up is in regard to how visits are paid for. Almost all providers require that visits be scheduled and paid for in blocks of time and the average minimum visit may be as much as 20 or 30 minutes. This not only places an undue financial hardship on families but can result in lost minutes and money when a technical malfunction or schedule conflict occurs. **A more user-friendly policy is to charge visits by the minute, with the ability to schedule in advance scalable minimum visit length.** My experience has shown me that per-minute pricing is advantageous for both families and providers by encouraging usage and thereby increasing demand.

Ease of Use. To increase accessibility, video visitation providers should prioritize customer support and provide a visitation system and website that is user-friendly, reliable, and actually makes visitation more convenient for families to use. During my tenure with HomeWAV, our mobile apps had a better/higher approval rating for ease of use than Skype, SnapChat, Apple, or Facebook.

Cost and Rates of Video Visitation

Next, I want to address the elephant in room: what is fair and reasonable rate for a video visit. In today's environment it is an undisputable fact that a fee must be charged for a home video visit. **There are costs associated with acquiring, maintaining, managing, and operating video visitation systems and these must be recouped.** Costs can be shared between the provider company and the facility or borne solely by one or the other, depending on the contractual agreement. These can include equipment costs; installation; infrastructure/cabling; costs for maintaining, repairing, and upgrading equipment; internet data plans; providing security features and video storage; and costs for managing, hosting, and servicing the system. Provider companies will also have basic operational costs, an expectation of a fair and reasonable profit, and costs associated with R&D efforts to improve the technology and search for innovative ways to expand services.

There are ways to ensure a reasonable price point does not place undue burdens on a segment of society that can ill afford them. **Pricing video visits by the minute with a scalable minimum visit length so that families get what they pay for is one method.** It can also increase usage. The Prison Policy Initiative report that was cited earlier reported that facilities that contracted with HomeWAV, which charged \$0.50 per minute, had an average video visitation usage of 16 minutes per incarcerated person per month, as opposed to the average usage of a company who charged a higher fee with a higher minimum visit (block visits) whose average was 2 minutes per incarcerated person per month. The family-friendly pricing policy actually encouraged usage.

A key component of reasonable pricing, in my experience, is making video visitation more convenient and higher in quality. This will increase usage, and with higher usage the price can be lower, which will further stimulate demand. **In conjunction with this, I would suggest if we really want to impact recidivism, a visitation system that would provide inmates with a minimum number of free video visits per month is a great start.** This is a minimal investment that will encourage usage and familiarize families and inmates with the system – a boon for all parties.

To summarize, to increase the effective use of video visitation and make it more accessible, the following should be considered:

- ❖ Video visitation providers should support smartphone and PC tablet applications, as well as all operating systems (Windows, Apple, Android, etc.).
- ❖ Video visitation providers should offer the ability to schedule visits in advance, as well as conduct an unscheduled ad hoc visit when an opportunity arises.
- ❖ Video visitation providers should offer consumer-friendly pricing by the minute, so that visitors and inmates have more control and choice in their purchase.
- ❖ Pricing should be fair and equitable for families, with a minimum number of free visits per month to accommodate those families with limited means.

Video Visitation Quality

Video quality of calls is an important issue that needs addressed. Pixilated images, frozen screens, audio lags, dropped calls, and other technical glitches are unacceptable and lead to lost minutes and wasted money for inmates and families. It also leads to disillusionment with the technology as a whole and an unwillingness to participate in it. For the most part today's video visitation technology is not keeping pace with the rest of the videoconferencing industry and widely-used video services such as Skype or FaceTime (which are free). Of course video visitation has unique conditions with additional security and investigative requirements, and some companies give this as a reason for lackluster performance but that is not a valid excuse. **Video visitation providers need to keep on the cutting edge of this fast-growing technology and spend time and money researching new methods and technologies to improve the service.** For example, WebRTC (Web Real-Time Communication) is new technology spearheaded by Google in 2012 that is redefining real-time video and VOIP (Voice over Internet Protocol). These technologies, among others, will have a dynamic impact on our industry.

However, before researching and implementing new technologies, there is an imperative for video visitation providers to make the most of today's technical knowledge. Many families are very dissatisfied and frustrated with the video quality of video visitation. **Providers must take it upon themselves to set minimum quality standards for video, including screen resolution, refresh rate, audio lag, minimum bandwidth, etc.** Today's video can offer an exceptional quality image over lower

bandwidths, meaning images are sharper and more true-to-life. The more a video visit reflects an actual face-to-face conversation, the more the technology will find acceptance and use.

Even with all of improvements discussed above, technical glitches and malfunctions will occur and should be accommodated. It is a fact of life that using the internet for communications will require a procedure to account for dropped calls, bad connections, and internet or power glitches. Systems can be designed to recognize when this has happened; for example, HomeWAV did not charge for a call that is less than 30 seconds, recognizing that this may be a bad call. The user can then reconnect without penalty.

To summarize, to increase video visitation quality, the following should be considered:

- ❖ Video visitation providers need to research new methods to improve the technology.
- ❖ Video visitation providers must set minimum quality standards for video, including screen resolution, refresh rate, audio lag, and minimum bandwidth.
- ❖ Video visitation providers should account for technical problems during video visits and make provisions to refund lost minutes or otherwise provide assistance for problems.

Advanced Inmate Communications Services

An aspect of today's technology advances that I find to be of substantive importance in correctional settings is the **advent of personal communication devices (in the form of PC tablets or smartphones).** **The devices can be specifically designed for the security needs of correctional facilities and can provide a means for inmates to communicate with family and support services.** The devices can be multifunctional and provide email, messaging, and video visits, as well as aid facilities in handling the ongoing business of daily life, such as commissary ordering or sick call. **The devices can also be configured to offer life enhancement opportunities such as continuing education and GED support, job skills training, and alcohol and drug counseling programs.** So many inmates are incarcerated because of addictions issues. After inmates get clean on the inside, they have few tools to use as they exit. Putting them in contact on a regular basis with support groups on the outside prior to their discharge can pay huge dividends and lead to a path of hope and a chance for a better life, and a much better chance of not returning to the same life that brought them into the system. Additional services provided by the devices can include eBooks and approved entertainment and music, a privilege that can be a powerful motivator for inmates' good behavior.

It is well worth looking into to investigate the incorporation of VOIP technology into these devices to allow inmates to make voice calls with their own personal communication device. It goes without saying that the unique security considerations of a correctional facility must be accounted for and included in the VOIP service. With thoughtful design and technological know-how, this can be a revolutionary technology that has the potential to completely rework the inmate calling services (ICS) industry.

I would suggest that companies in the industry should investigate the vast potential of these personal devices. I believe that in the very near future one possible innovation will be that inmates can lease or own their own device that comes with a preset base package of voice\video minutes built in to a monthly fee, much like we do with the open-market cellular service today. Of course, the devices must be configured with the required security features (monitoring, recording, investigative tools, safety, etc.) but this is easily done (see below). This may add to the cost initially but incorporating multiple features used with a monthly plan of minutes should lead to cost efficiencies and lower charges per minute in the long term.

Security Management. There are significant security issues that must be addressed when placing computing devices in a correctional facility environment. There are a wide range of security risks to the deployed computers that range from protecting the equipment and infrastructure to preventing misuse of the system by malicious users. This protection is effectively provided by commercially available kiosk and mobile device security software (such as SiteKiosk, KioWare, and SureLock to name a few) which specializes in locking down access and restricting usage of kiosk computers and tablet devices. The programs act as a secure browser to restrict usage to allowed websites and browser-based applications and lock down access to the operating system, the desktop, and unauthorized programs and folders. Using these tools, we are able to lock down access and restrict usage of kiosks and tablets so that inmates may only use the devices for the specific purposes that are allowed and approved by the facility. These security system programs are widely in use by the government and many educational institutions and commercial environments and have met the requirements for strict compliance for maintaining secure and uncompromisable devices to ensure responsible usage and facility security.

To summarize:

- ❖ Personal communication devices (in the form of PC tablets or smartphones) can be specifically designed for the security needs of correctional facilities and provide a means for inmates to communicate with family and support services.
- ❖ The devices can provide email, messaging, video visits, VOIP phone calls, commissary, sick call, etc., as well as continuing education and GED support, job skills training, alcohol and drug counseling programs, and approved entertainment and music.
- ❖ Innovative payment plans can ultimately lead to cost efficiencies and savings long term.

Final Notes

I commend the commission for its work to ensure reasonable and fair treatment for incarcerated individuals and their families. However I would encourage the commission to take a careful look at how video visitation regulation is approached, as it is still in its infancy state and requires investment capital to improve and expand. This technology has a major potential to reduce recidivism and help in

the rehabilitation and reentry of inmates if it is used wisely and judiciously and in conjunction with traditional visitation methods. **The major benefit of this new technology is its vast potential for innovative ways to help inmates connect with families and supportive community, faith-based, and public services. There must be an incentive for providers to build robust video solutions that can be converted to fair and reasonable profits in order to encourage competition and continue technology growth.**

Thank you for your time and your kind attention. I am available to discuss in person my thoughts and vision upon request.

Respectfully Submitted,



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