

January 19, 2016

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

Re: WC Docket No. 12-375  
Comments re Third Further Notice of Proposed Rulemaking ¶¶ 296–307,  
video visitation

Dear Ms. Dortch:

As advocates from various criminal justice and immigration reform organizations in the state of California, we are concerned about the growing trend of video visits replacing in-person visits in local jails. We know of two California counties (Napa and Solano) that have completely replaced in-person visits with video visits in at least one of their jails, and another (Placer) that has severely restricted in-person visits since its adoption of video. We are also aware of at least three more counties that plan to replace in-person visits with video visits in the near future in at least one of their jails (Imperial, San Mateo, and Tulare).

While the elimination of in-person jail visits is harmful to incarcerated people and their families all throughout the U.S., we are especially worried about this trend in California, where, since the implementation of public safety realignment in October 2011, people are spending longer periods of time in jail than ever before. Before the realignment law, the maximum stay in a county jail was one year, but now that people with felonies can be sent to local jails, there is no limit on the amount of time that these people can serve in a jail. According to the Public Policy Institute of California, as of early 2014, county jails in California housed 1,761 people serving sentences of 5+ years, up from 606 in 2013.<sup>1</sup> Further, as many as 34,000 immigrants who are imprisoned in the custody of Immigration and Customs Enforcement (ICE) each day may also be imprisoned for years. ICE contracts with 250 local county jails and private prison corporations across the country to hold immigrants in detention — including 5 county jails, one city jail, and 4 facilities operated by private prison corporations in California. This means that a person in a California jail or privately-run correctional facility can be separated from his or her loved ones by a computer screen for *years*, not weeks.

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<sup>1</sup> Magnus Lofstrom and Brandon Martin, “California’s County Jails,” Public Policy Institute of California, April 2015:  
[http://www.ppic.org/main/publication\\_show.asp?i=1061](http://www.ppic.org/main/publication_show.asp?i=1061).

We are also concerned that the video visitation companies and sheriffs may see video visitation as an opportunity to circumvent the Federal Communications Commission's historic regulations of phone calls home from prisons and jails. In California, commissions from phone call revenue are sent to the inmate welfare fund, a fund that is supposed to be used to benefit incarcerated people. An example of abuse is in Butte County where the county plans to use \$650,000 from the inmate welfare fund to pay for the construction of a new jail.<sup>2</sup> We worry that, without FCC regulation, sheriffs may see an opportunity to charge families of incarcerated people high rates for remote video visits and then use that money from the pockets of family members to fund jail construction rather than much-needed and unfortunately rare programming.

We encourage the Federal Communications Commission to expand its comprehensive regulations of the prison and jail phone industry to the growing industry of video visitation in a Third Report and Order.

Sincerely,

Carole Urie  
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)  
Ella Baker Center for Human Rights  
Friends Committee on Legislation of California  
Prison Law Office  
Project WHAT!  
Tiffany Johnson

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<sup>2</sup> See this letter from the ACLU of Northern California sent to the Butte County Board of Supervisors on December 7, 2015: [http://www.aclunc.org/docs/20151207-butte\\_jails\\_letter\\_from\\_aclu.pdf](http://www.aclunc.org/docs/20151207-butte_jails_letter_from_aclu.pdf)