



D I S T R I C T O F C O L U M B I A B A R
Sections

**PUBLIC STATEMENT REGARDING THE VIDEO VISTATION POLICY
OF THE D.C. DEPARTMENT OF CORRECTIONS**

The Steering Committees of the Litigation Section¹ and the Courts, Lawyers, and the Administration of Justice Section² of the D.C. Bar³ are concerned about the new video visitation policy of the D.C. Department of Corrections (“DOC”), which took effect on July 25, 2012. *See* DOC Program Statement 4080.2. Previously, detainees in the custody of the DOC were permitted to receive in-person social visits from family and friends. Under the new policy, videoconferences take the place of these in-person visits for male detainees at the D.C. Central Detention Facility (“D.C. Jail”), as well as for juvenile detainees in the custody of the DOC.⁴ In the words of the *Washington Post*’s editorial board, “the decision ultimately means that those with loved ones behind bars will be able to see them only on a screen.”⁵ Members of the Litigation Section have represented many of the detainees now affected by this policy. They have seen firsthand the important role that in-person visitation plays in the lives of detainees and their loved ones. For these reasons, and as explained further below, we respectfully request that the D.C. Council and the DOC revise the new policy to offer video visitation as a *supplement* to – rather than a *replacement* for – in-person visitation.

The DOC claims that its new policy will result in substantial costs savings.⁶ But the long-term costs associated with the new program may well outweigh any short-term savings. Studies show that in-person visits strengthen family ties, facilitate post-release reintegration back

¹ Over September 20 - 27, 2012, the Steering Committee of the Litigation Section of the D.C. Bar voted, without dissent, to adopt this public statement. The vote tally was 6-0, with two government attorneys recused and a third steering committee member not voting.

² On September 24, 2012, the Steering Committee of the Courts, Lawyers and the Administration of Justice Section of the D.C. Bar voted, without dissent, to adopt this public statement. The vote tally was 6-0, with three government attorneys recused.

³ The views expressed herein represent only those of the Litigation Section and the Courts, Lawyers and the Administration of Justice Section of the District of Columbia Bar, and not those the D.C. Bar or of its Board of Governors.

⁴ D.C. Dep’t of Corrections, Frequently Asked Questions: Central Detention Facility (D.C. Jail) Video Visitation, *available at* <http://newsroom.dc.gov/show.aspx?agency=doc§ion=4&release=23567&year=2012&file=file.aspx%2frelease%2f23567%2fvvcfrequentlyaskedquestionsupdatedaug2012.pdf>.

⁵ Editorial, *Virtual visits for inmates?*, Wash. Post, July 26, 2012, *available at* http://www.washingtonpost.com/opinions/virtual-visits-for-inmates/2012/07/26/gJQAultJCX_story.html.

⁶ Adeshina Emmanuel, *In-Person Visits Fade as Jails Set Up Video Units for Inmates and Families*, N.Y. TIMES, Aug. 7, 2012, *available at* <http://www.nytimes.com/2012/08/07/us/some-criticize-jails-as-they-move-to-video-visits.html?pagewanted=all>.

into society, and reduce recidivism.⁷ For example, a recent study by the Minnesota Department of Corrections determined that “visitation significantly decreased the risk of recidivism[.]”⁸ The Federal Bureau of Prisons has acknowledged the importance of in-person visits and actively “encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community.”⁹

In-person visits are particularly important here in the District of Columbia, where pre-trial detainees charged with felonies constitute roughly 44 percent of the male population.¹⁰ These individuals will spend, on average, 202 days at the D.C. Jail.¹¹ After sentencing, those who are convicted will be transferred into the custody of the Federal Bureau of Prisons.¹² Many of these individuals will then serve out their sentences in prisons hundreds or even thousands of miles from home – far from the family and friends who might otherwise visit them.¹³ For these individuals, their time at the D.C. Jail may offer the only practical opportunity to visit in person with children, parents, spouses, and other loved ones.

We recognize that videoconferencing technology may help to facilitate communication with detainees in certain cases – eliminating the lines and other obstacles that historically may have dissuaded some from visiting.¹⁴ We support the use of videoconferencing technology as a supplement to in-person visits. But videoconferencing technology should not, and simply cannot, *replace* all in-person visits, which are invaluable both for the detainees and the family and friends who support them. For all of these reasons, we urge the D.C. Council and the D.C. Department of Corrections to modify the new policy to ensure that all detainees have a right – and an adequate opportunity – to receive in-person visits from family and friends.

⁷ See, e.g., Creasie Finney Hairston, *Family Ties During Imprisonment: Important to Whom and for What?*, 18 J. SOCIOLOGY & SOCIAL WELFARE 87 (1991).

⁸ Minnesota Dep’t of Corrections, *The Effects of Prison Visitation on Offender Recidivism* iii (Nov. 2011), available at <http://www.doc.state.mn.us/publications/documents/11-11MNPrisonVisitationStudy.pdf>.

⁹ U.S. Department of Justice, Federal Bureau of Prisons, *Program Statement*, §540.40, available at http://www.bop.gov/policy/progstat/5267_008.pdf.

¹⁰ D.C. Dep’t of Corrections, *Facts and Figures* (June 2012), available at <http://doc.dc.gov/doc/frames.asp?doc=/doc/lib/doc/populationstats/DCDepartmentofCorrectionsFactsnFiguresJun2012.pdf>.

¹¹ *Id.*

¹² See “Housing of DC Felons Far Away from Home: Effects on Crime, Recidivism and Reentry,” Hearing Before the House Subcom. on Federal Workforce, Postal Service and the District of Columbia, 111th Cong. (May 5, 2010) (statement of Philip Fornaci, Director of D.C. Prisoners’ Project, Washington Lawyers’ Committee for Civil Rights & Urban Affairs), available at <http://oversight.house.gov/wp-content/uploads/2012/01/20100505fornaci.pdf>.

¹³ *Id.*

¹⁴ Adeshina Emmanuel, *In-Person Visits Fade as Jails Set Up Video Units for Inmates and Families*, N.Y. TIMES, Aug. 7, 2012, available at <http://www.nytimes.com/2012/08/07/us/some-criticize-jails-as-they-move-to-video-visits.html?pagewanted=all>.