



Jay Jenkins
Harris County Project Attorney
(515) 229-6928
jjenkins@TexasCJC.org
www.TexasCJC.org

INTERIM TESTIMONY 2016

Senate Committee on Criminal Justice

Dear Members of the Committee,

My name is Jay Jenkins. I am a Project Attorney for the Texas Criminal Justice Coalition (TCJC); I am based in Harris County. Thank you for allowing me this opportunity to present testimony on Charge #6: "Review costs family members incur to maintain contact with an incarcerated family member. Make recommendations to promote familial contact and relationships for incarcerated individuals. Review visitation practices across the state in determining effective and appropriate methods of maintaining familial contact for incarcerated individuals."

THE COSTS OF VISITATION

Supporting a family member or loved one when he or she is incarcerated is an emotionally draining experience. The emotional exertion also comes with a significant financial cost that can exacerbate the damage that incarceration does to an individual by weakening the scant support that family members can offer.

Texas has more than 100 prison facilities spread across five regions, yet the Texas Department of Criminal Justice routinely assigns men and women to facilities that are six to eight hours away from their closest relatives or home communities. Elderly family members or those with disabilities must get notes from their physicians to appeal for their sons and daughters to be moved to units closer to home; and even these hardship transfer requests can be denied if the family member is within a four-hour drive of the facility.¹

For families with children, the lengthy trip can be costly and overwhelming. Further, the visitation room can be loud, confusing, and intimidating for small children. Units do not have child-friendly visitation areas with games and toys as other states have developed.²

KEY FINDINGS

- To document the full extent of the costs that families incur when a family member or loved one is incarcerated, the Ella Baker Center for Human Rights, Forward Together, and Research Action Design collaborated on a national report that made the following findings:³
 - » **Many families lose income when a family member is removed from household wage earning, and they struggle to meet basic needs while paying fees, supporting their loved ones financially, and bearing the costs of keeping in touch.**
 - Nearly 2 in 3 families (65%) with an incarcerated member were unable to meet their family's basic needs. Forty-nine percent struggled with meeting basic food needs and 48% had trouble meeting basic housing needs because of the financial costs of having an incarcerated loved one.
 - » **Women bear the brunt of the financial and emotional costs of a loved one's incarceration.**
 - In 63% of cases, family members on the outside were primarily responsible for court-related costs associated with conviction. Of the family members primarily responsible for these costs, 83% were women.

- » **Families incur large sums of debt due to their experience with incarceration.**
 - Across respondents of all income brackets, the average debt incurred for court-related fines and fees alone was \$13,607.
- » **Incarceration damages familial relationships and stability by separating people from their support systems, disrupting continuity of families, and causing lifelong health impacts.**
 - The high cost of maintaining contact with incarcerated family members led more than one in three families (34%) into debt to pay for phone calls and visits alone.
- » **The stigma, isolation, and trauma associated with incarceration have direct impacts across families and communities.**
 - Supportive families can help reduce recidivism rates, but they often lack the necessary resources to help incarcerated individuals serve out their sentences and reenter society successfully.
- **The benefits of in-person visitation policies are numerous:**
 - » The separation of child and parent due to incarceration has many negative consequences,⁴ and studies have shown that visitation “substantially decreases the negative impacts of incarceration by **preserving the child’s relationship with the parent.**”⁵
 - » In-person visitation can help **lower recidivism rates**: A study of over 16,000 incarcerated individuals in Minnesota showed that even one visit reduced recidivism by 13% for new crimes and 25% for technical violations.⁶
- **Video-only visitation in Travis County resulted in increased disciplinary infractions:**
 - » In the year after institution of a video-only visitation policy in Travis County, disciplinary infractions climbed over 100 infractions per month, with cases for possession of contraband increasing 54% and inmate-on-inmate assaults increasing 20%.⁷

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS TO IMPROVE CONTACT WITH INCARCERATED FAMILY MEMBERS

- **Require the Texas Department of Criminal Justice to make every effort to place incarcerated individuals in the units that are most appropriate to their classification level and that are as close as possible to their nearest family members or home communities.** When security concerns require placement in facilities hours from home, the Department should be required to move incarcerated individuals to the facilities closest to nearest relatives or their home community as soon as the custody or security level has been downgraded because of good behavior. This will serve as an additional incentive for incarcerated individuals to avoid disciplinary troubles and focus on rehabilitative programming.
- **Require the Texas Department of Criminal Justice to develop child-friendly visitation days or areas.** These areas can be equipped with toys and games from the faith community and volunteer groups. The Department could make child-friendly visitation a privilege for incarcerated individuals who have good disciplinary records and who are making progress toward rehabilitation.
- **Support in-person visitation at all Texas correctional facilities, and offer video visitation only as a supplementary tool for those who cannot afford to make in-person visits.** Again, face-to-face visitation in the corrections setting positively impacts family unification, increasing the likelihood of a successful reentry.

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.

- **Increase pretrial diversion programs to reduce the need for visitation and alleviate space concerns.** According to a study on the impact of pretrial detention on sentencing, “Compared to defendants released at some point pending trial, defendants detained for the entire pretrial period are more likely to be sentenced to jail or prison – and for longer periods of time.”⁸ It is critical to determine which individuals can be safely released prior to trial, enabling them to maintain their employment and housing, or to participate in needed programming to address the root causes of their criminal behavior. This can help alleviate the massive allocation of resources required to operate county jails, while also reducing recidivism rates and the likelihood that an individual will eventually be incarcerated in the Texas Department of Criminal Justice.

Citations

¹ Texas Department of Criminal Justice, General Information Guide for Families of Offenders, Executive Services, December, 2012, p.15-16, http://www.tdcj.state.tx.us/documents/General_Information_Guide_for_Families_of_Offenders.pdf.

² Boudin, Chessa, Stutz, Trevor, and Littman, Aaron, “Prison Visitation Policies: A Fifty State Survey,” November, 2012, p. 14,

³ Saneta deVuono-powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi. Who Pays? The True Cost of Incarceration on Families. Oakland, CA: Ella Baker Center, Forward Together, Research Action Design, 2015.

⁴ Grassroots Leadership and the Texas Criminal Justice Coalition, “Video Visitation: how private companies push for visits by video and families pay the price,” October 2014.

⁵ Connecting children with incarcerated parents. Child Protection Best Practices Bulletin. (2011).

⁶ The effects of prison visitation on offender recidivism. Minnesota Department of Corrections. (2011), cited in “Video Visitation,” supra.

⁷ Video Visitation, supra.

⁸ Laura and John Arnold Foundation, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, November 2013.