June 19, 2013

Tommy Wells
Chairperson, Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Room 109, John A. Wilson Blvd.
Washington, DC 20004

Dear Chairperson Wells,

I write on behalf of the American Bar Association to express our support for Bill 20-122, the Video Visitation Modification Act of 2013 (“the Act”).

The proposed Act would expand to include in-person visits the visitation options for family and others visiting prisoners held in District of Columbia jail facilities that are currently limited to visitation via video technology. The ABA urges correctional facilities to develop “visitation policies that assist prisoners in maintaining and developing healthy family relationships.” See ABA Standards for Criminal Justice: Treatment of Prisoners, Standard 23-8.5(b) (3rd ed. 2011). Accordingly, the ABA supports developing alternative visitation methods such as video visitation in some cases, but only to the extent that video visitation does not replace critical in-person contact visits. Contact visits are crucial to a well-functioning correctional program and should be available especially for people whose confinement extends beyond 30 days. See ABA Standards for Criminal Justice: Treatment of Prisoners, Standard 23-8.5(e). average length of stay for prisoners held in the DC Department of Corrections is 155 days. Additionally, pretrial detainees should be allowed visitation opportunities “beyond those afforded to convicted prisoners.” Id.; Standard 23-8.5(d). In the District of Columbia, 66.6% of prisoners held in jail are pretrial detainees.2

The Act furthers ABA goals within the criminal justice system and will bring the DC Department of Corrections into greater accord with ABA standards, which are designed to ensure that people can maintain meaningful relationships with family members who are in custody. Maintaining personal connections through contact visits improves the lives of incarcerated individuals, their families, and the community in three important ways.

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2 Id. at 17.
First, people who receive visits from and maintain relationships with friends and family while incarcerated have improved behavior during their time in custody, contributing both to a safer and more rehabilitative atmosphere in the facility. Second, individuals who maintain relationships have more successful transitions back to society than those who do not. For example, the Minnesota Department of Corrections found that prisoners who were visited were 13 percent less likely to be reconvicted of a felony and 25 percent less likely to return to prison on parole violation. Third, families and children who are able to visit their relatives in jail benefit greatly from maintaining family ties during a time that can often cause family trauma.

These benefits of visitation are optimized through in-person, contact visits. While video visitation may improve frequency of visits for people held far from family, video visits should only replace contact visits when absolutely necessary. People incarcerated in the DC Jail are members of the immediate community and have support systems available nearby. Contact visits improve the quality of human interaction and provide families the connection necessary to maintain healthy, meaningful relationships. To be able to see only a pixilated version of a loved one without the ability to touch and hug will have a negative impact on the incarcerated person and their family members, including young children. A visitation policy that allows in-person, contact visits eases the trauma of incarceration on the family and should be available to people incarcerated in the DC Jail.

While the current DOC policy of video-only visits may save the jail nominal time and administrative costs in the short term, the long-term financial and social costs of misbehavior in prison, increased recidivism, and family disintegration are great. The ABA enthusiastically supports Bill 20-122 and urges the Committee to approve this measure and reinstate in-person, contact visits at the DC Jail.

Sincerely,

Thomas M. Susman

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3 See ABA Standards for Criminal Justice: Treatment of Prisoners, Standard 23-8.5 cmt. at 260. See also, Virginia Hutchinson et al, U.S. Dep’t of Justice, Nat’l Inst. of Corr., Inmate Behavior Management: The Keys to a Safe and Secure Jail, 8 (August 2009) (Noting that maintaining contact with family and friends (including visitation) is integral to behavior management in the jail setting and that a failure to meet this important social need can lead to depression and inappropriate behavior in the under-custody population); Karen Casey-Acevedo & Tim Bakken, The Effects of Visitation on Women in Prison, 25 Int’l J. Comp. & App. Crim. Just. 48 (2001); Richard Tewksbury & Matthew DeMichele, Going to Prison: A Prison Visitation Program, 85 Prison J. 292 (2005); John D. Wooldredge, Inmate Experiences and Psychological Well-Being, 26 Crim. J. & Behav. 235 (1999).

4 See Jeremy Travis et al, Urban Institute, From Prison to Home: The Dimensions and Consequences of Prisoner Reentry 39 (June 2001) (“Studies comparing the outcomes of prisoners who maintained family connections during prison through letters and personal visits with those who did not suggest that maintaining family ties reduces recidivism rates.”) (internal citation omitted).

5 See Minnesota Dept. of Corr., The Effects of Prison Visitation on Offender Recidivism. 18-21 (Nov. 2011).