



Some Inmate Family Visitation Practices Are Not Meeting the Legislature's Intent

at a glance

National studies have shown that inmates with continued family contact while in prison have lower recidivism rates. Florida law sets forth requirements for the Department of Corrections to facilitate frequent and quality contact between inmates and their families. The department has recently taken steps to strengthen inmate family contact by reducing its telephone commissions and inmate phone rates. However, other weaknesses remain:

- information about visiting regulations and dress codes is poorly defined and rules are inconsistently enforced;
- inconsistent efforts are made to manage the time of visiting children and youth; and
- insufficient statewide oversight is exercised over family visitation.

Conditions are similar at Florida's private prisons, which provide only half the visitation opportunities of public prisons and charge families more for inmate phone service.

Scope

Chapter 2006-25, *Laws of Florida*, directs OPPAGA to conduct a comprehensive review of the Department of Corrections. This report examines the department's practices related to promoting inmate visitation with their families.

Background

National studies show that maintaining contact between inmates and their families can help reduce recidivism. Maintaining family ties also is beneficial for families. While research shows that children with parents who are in prison are more likely than their peers to commit crimes and become incarcerated themselves, these odds are reduced when the incarcerated parent maintains a relationship with the child.^{1,2}

Florida law requires the Department of Corrections to promote contact between inmates and their families. The department is authorized to offer collect phone call service between inmates and their families and is

¹ LaVigne, Nancy G., Naser, Rebecca L, Brooks, Lisa E, Castro, Jennifer, "Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships," *Journal of Contemporary Criminal Justice*, Vol. 21 No.4, November 2005, 314-335; Travis, Jeremy, McBride, Elizabeth Cincotta, Solomon, Amy L., *Families Left Behind: The Hidden Costs of Incarceration and Re-entry*, Urban Institute Justice Policy Center, June 2005; Visher, Christy and Travis, Jeremy, "Transitions from Prison to Community: Understanding Individual Pathways," *Annual Review of Sociology*, 2003, 29:89-113; Rose, Dina R. and Clear, Todd, R., "Incarceration, Re-entry, and Social Capital: Social Networks in the Balance," *Prisoners Once Removed*, 2003; Homer, Eva Lee, "Inmate Family Ties: Desirable but Difficult," *Federal Probation*, 1979, 43: 47-52; Holt, Norman, Miller, Donald, *Explorations in Inmate Family Relationships*, California Department of Corrections Report No. 46, 1972.

² Although research supports contact between children and an incarcerated parent, there are individual situations where contact with the incarcerated parent can be harmful to the child, such as sexual, physical, or extreme emotional abuse.

required to provide visitation areas at correctional institutions. These visitation centers serve approximately 12,000 visitors each week and are to provide, at a minimum:

- information on visiting regulations, dress codes, and visiting procedures;
- a sheltered area, outside the security perimeter, for visitors waiting before and after visiting inmates;
- food service (to be paid for by the visiting families) with food choices that are nutritious and acceptable for children and youth visitors; and
- minimal equipment and supplies to assist in occupying the time and meeting the needs of children and youth visitors.

The department’s rules expand upon these statutory requirements by stating that:

- visiting area staff shall participate in a minimum of four hours of annual training specific to operations of the visiting area and visiting in general;
- visitor check-in shall take place in a location that minimizes weather exposure and provides restrooms;
- visiting hours will be every Saturday and Sunday from 9 a.m. to 3 p.m.; and
- wardens shall ensure that games, small toys, and other suitable activities are available to assist visitors with keeping their children occupied during visitation.

The Department of Management Services provides oversight of the state’s five private prisons, which are administered separately from the public prison system.

Findings

While the Department of Corrections has recently taken steps to strengthen some aspects of Florida’s inmate family programs, such as reducing its telephone commissions and inmate phone rates, other components do not fully meet legislative intent. Conditions are similar at Florida’s private prisons, which provide only half the visitation opportunities

of public prisons and charge more for inmate phone service.

The department should explore more cost-effective delivery of inmate phone service

The Department of Corrections authorizes each inmate in public and private prisons to make collect calls to a department-approved list of 10 people. This telephone contact is a primary means of contact between inmates and families, particularly for family members who are elderly, disabled, or unable to travel to the prison to visit the inmate.

The department has contracted with one company to offer collect calls in all state-operated prisons, and this contract splits the revenue received from inmate collect calls with the department.³ This revenue split, called a commission, defrays state costs in managing the inmate telephone system and generates general revenue funds. The telephone company sets its rates by building both its profit margin and the department’s commission into the price of each call charged to inmate families. The department reports that in Fiscal Year 2005-06 the state received \$15.3 million in revenue commissions from inmate collect phone calls. These revenues were based on the department’s historical commission rate of 53%. The department reduced its commission to 33% in June 2006, citing the burden it creates on inmate families.

Despite this commission reduction, and because the department’s inmate phone system operates exclusively on a collect-call basis, families continue to pay considerably more to talk with an inmate than a non-inmate. A 15-minute call from a Florida prison typically costs \$4.23. This equates to \$0.28 per minute, and is considerably higher than the price of commercial long distance rates—which generally range from \$0.03 to \$0.10 per minute.

³ With oversight from the Department of Management Services, the two companies operating the state’s five private prisons have exclusive contracts with companies offering inmate family phone service, and set their own commission rates. These are discussed later in the report.

Although phone commissions are a common funding practice nationwide, some states have taken steps to reduce family costs for these calls by seeking cheaper phone delivery systems or eliminating phone commissions altogether. Recognizing that collect calls are significantly higher than person-to-person calling rates, South Carolina has introduced a prepaid option, in which families can pay their projected phone expenses in advance and save 20%. Missouri has a similar option, charging \$0.10 a minute for a prepaid call, compared to \$1.10 if the call is not prepaid. Other states, including Missouri, New Mexico, Nebraska, and California, have eliminated their commissions altogether, although California requires phone companies to pay a flat fee for the right to provide inmate telephone service throughout the state.

Florida Department of Corrections officials have issued an invitation-to-negotiate to explore further phone service options. Both public and private options should be pursued, with the intent of reducing inmate family phone rates while still covering the department's oversight costs. Since officials state they have not yet determined department oversight costs, they need to do so before they can knowledgeably evaluate new telephone options. Based on these costs, the department should work with the Legislature to set equitable phone commissions that balance family and state revenue considerations.

Some aspects of inmate family visitation should be modified to better meet legislative intent

In addition to phone contact, families may visit inmates at each of the state's prisons. To examine inmate family visitation, we reviewed department policies and procedures, visited 15 prisons, and conducted focus groups with 82 inmate families.⁴ We determined that some

⁴ We visited a cross-section of 15 public and private prisons in north, south, and central Florida located in urban and rural areas. A convenience sample of 82 inmate families and friends was selected to participate in one of four focus groups, also held in north, south, and central Florida. Participants also completed a written survey assessing their visitation

aspects of family visitation do not fully meet legislative intent.

- Information about visiting regulations and dress codes is poorly defined and inconsistently enforced.
- Inconsistent efforts are made to manage the time of visiting children and youth
- Insufficient statewide oversight is exercised over family visitation.
- The Department of Management Services needs to ensure that private prisons are following legislative intent regarding family visitation.

Information about visiting regulations and dress codes is poorly defined and rules are inconsistently enforced

Department policies provide that families may bring only pre-approved items into prisons, must submit to a body search, and must conform to a dress code. This dress code prohibits

- skin-tight or spandex clothing, halter tops and other braless attire;
- underwear-type tee shirts, tank tops, and fish net shirts;
- clothes made with see-through fabric; dresses, skirts, or Bermuda-length shorts cut more than three inches above the knee; and
- any articles of clothing with a picture or language that presents a potential threat to the security or order of the institution.

Department policy states that these requirements will be strictly enforced, and it requires all officers working in the visiting area to undergo four hours of training in these policies annually.

experiences. Fifty-nine of the participants were selected from names provided by the department, 12 were from an inmate advocacy group, and 11 were from a faith-based inmate family organization. The results reported herein are generally consistent with literature on inmate families. See for example, *Policy Brief: Supporting Families with Incarcerated Parents*, Family Strengthening Policy Center, Policy Brief No. 8, September 2005; Hairston, Creasie Finney, "Prisoners and Their Families: Parenting Issues during Incarceration," *Prisoners Once Removed*, 2003; Sturges, Judith, "Pennsylvania DOC Designs a Handbook to Assist Families and Friends of Inmates," *Corrections Compendium*, November/December 2004.

However, our prison site visits and meetings with family focus groups found that enforcement and interpretation of visitation policies was inconsistent both within and between correctional institutions. For example, we observed some female visitors being refused admittance for wearing sleeveless blouses, Bermuda shorts, and tight jeans, while women visiting other state prisons were admitted wearing similar attire.⁵ Eighty-eight percent of the families in our focus groups complained that such variations were pervasive and that visitation rules also appeared to vary by which officer was on duty. Families reported being refused entry for wearing clothes that were not prohibited by the dress code, such as camouflage fabrics and white t-shirts. Within the same facility, families also reported variations in officer search procedures and in how they were allowed to sit with the inmate (e.g., side-by-side or across from one another). Also noted was the fact that the department did not provide full information on other visitation policies such as requirements for grandparents bringing minors to visit an incarcerated parent.⁶

These differences seem to occur because of inadequate written guidelines and lapses in officer training. Prison officials noted that applying dress code requirements was a subjective process, and indicated that the department had summarized information given to visitors in order to make this information readily understandable. However, the unintended result of this process has been incomplete visitation information and inconsistent enforcement of unwritten requirements such as prohibitions against camouflage fabrics and sleeveless blouses.

⁵ We observed similar inconsistencies at the state's private prisons, even those owned by the same company. These are discussed later in the report, in the context of our recommendations to the Department of Management Services, which has oversight of these prisons.

⁶ Grandparents with grandchildren in tow reported being denied admittance because visitor information did not specifically indicate that they were to bring a notarized statement from the child's custodial parent authorizing the child to visit the incarcerated parent. Research suggests that most of these children will benefit from contact with the incarcerated parent.

In addition, we were unable to determine whether officers working in the visitation areas had received annual training, as required by rule. Although the department provided us a list of correctional officers who had received training, that list represented only 20.5% of the agency's total correctional staff. Agency officials could not tell us whether its remaining correctional staff had or had not worked in visitation, citing data processing limitations. Consequently, the department lacks a method to assess compliance with its training requirement.

To address these problems, the department needs to ensure that officers receive annual visitation training and should work to clarify visitor regulations. Visitation and dress code policies should be clearly specified in agency rules, posted on its website, and be provided in ways that families can readily understand. For example, the department could follow the example of many public schools and post pictures on its website and prison visitation areas of both acceptable and unacceptable attire.

Inconsistent efforts are made to manage the time of visiting children and youth

To assist visitors in managing their children while visiting prisons, Florida statutes require the department to provide a minimal level of activities for children and youth. During our visits, we found that while the prisons had some toys to occupy children and youth, for more than half of these facilities, the items were in generally in poor repair. Coloring books often had most of the pages already used, toys were missing key parts, and puzzles and playing cards were worn out, unboxed, and jumbled together, making their use difficult. There were few activities and games for older children.

In the past, the department has refused offers by families to donate games and activities, but the department's legal staff has recently determined that such donations should be permissible. The department should accept donations from families and seek community group donations. While Florida statutes

authorize the department to request funds for maintaining supplies for children and youth, the department reports it has not done so due to higher budget priorities.

Insufficient statewide oversight is exercised over family visitation

Agency problems in enforcing, interpreting, and complying with visitation policies are longstanding. A 1998 Florida House of Representatives report concluded that the state had created impediments for families who strive to maintain meaningful contact with inmate family members, including non-uniform policies across institutions, inadequate activities for children, problems with dress codes, and insufficient visitation training of officers. After that report was issued, the department created a central office of visitation to address family concerns.⁷ However, this office was eliminated in late 2004 to fund additional correctional officers.

Given the pervasive problems we identified, the department needs to improve its oversight of family visitation in its prisons. Currently, although families can file complaints with different agency offices, e.g., substance abuse, classification, and citizen services, none of these offices deals specifically with concerns about inmate visitation. Since the Inspector General's Office is charged with agency-wide oversight, and for ensuring that the department adheres to applicable laws and legislative intent, this office should be charged with assessing family visitation as part of its oversight process. Such oversight would provide assurances to the department secretary that these long standing issues are being systematically addressed and resolved.

DMS should ensure private prisons also meet legislative intent for family contact

Legislative intent for family visitation applies to private prisons as well as those managed by the Department of Corrections. However, our field visits, document reviews, focus groups,

and interviews found that Florida's five private prisons share similar family visitation problems as those in the state-operated prisons. In addition, family visitation is offered only half as often in private prisons as in the public prisons. State contracts with private prisons also do not require them to supply children and youth visitors with age-appropriate games and activities, and officers at private prisons are not required to receive four hours of annual visitation training.⁸

Private prisons also charge higher rates for collect calls from inmates to their families. Inmate families pay between \$0.33 and \$1.15 a minute for collect calls made by inmates at private prisons, higher than the \$0.28 charged at the public prisons.⁹ They also collect high phone commissions, ranging from 37% to 49%. The department reports that in Fiscal Year 2005-06 telephone commissions from private prisons were \$1.1 million.¹⁰

Since restrictive family visits and phone contact could affect recidivism rates and long-term state costs, the Legislature may wish to clarify that it intends private prisons to meet the same visitation requirements as public prisons. Currently, the Department of Management Services is only charged with meeting the requirements of Ch. 957, *Florida Statutes*, which do not contain these visitation requirements. To ensure that legislative intent is being met, and private prison meet state prison visitation requirements, the legislature may wish to amend Ch. 957, *Florida Statutes*, by incorporating the requirements of s. 944.8031, *Florida Statutes*.

⁸ Although not required by contract, one private women's prison made exceptional efforts to occupy the time of children, with a small outdoor playground as well as an indoor play area filled with toys and a television with a video cassette player and videos.

⁹ However, one of the state's private prisons offers a prepaid phone option, which reduces the phone rates by 10%.

¹⁰ Unlike public prison phone commissions that revert to general revenue, phone commissions from private prisons are deposited into the Privately Operated Institutions Inmate Welfare Trust Fund. Each year the legislature appropriates this money back to the private prisons with the stipulation that the money be used to fund inmate programs and other enhancements that are not part of the state's contract with these private prisons.

⁷ See "Maintaining Family Contact When a Family Member Goes to Prison," *Florida House of Representatives Justice Council*, November 1998.

Recommendations ———

To bring family visitation practices into greater consistency with legislative intent, we recommend that the Department of Corrections take the actions described below.

- Evaluate public and private alternatives for inmate phone systems that will reduce rates charged to families, while still covering state costs. As part of this effort, the department should identify its costs of overseeing these phone contacts. The department should work with the Legislature in setting telephone commissions to balance family and state budget considerations.
- Require that all correctional officers working in the visitation area take four hours of annual visitation training.
- Rewrite visiting regulations supplied to visitors to ensure that information is sufficiently complete and understandable. This should include posting pictures of appropriate and inappropriate attire at each facility and on the department website to facilitate officer and visitor understanding of the dress code requirements.
- Allow anonymous donations from families and actively seek donations from community groups for games and activities for children and youth.

- Assign oversight of family visitation issues to the inspector general’s office, as part of its routine prison reviews.

To facilitate family contact and visitation, we recommend that the Legislature amend Ch. 957, *Florida Statutes*, by incorporating the requirements of s. 944.8031, *Florida Statutes*, into Ch. 957 so that private prisons are required to meet state prison requirements.

Lastly, we recommend that the Department of Management Services ensure that private prisons are meeting legislative intent as well the visitation requirements of the state’s public prisons.

Agency Response ———

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Secretary of the Department of Corrections and to the Secretary of the Department of Management Services for review and response. The written response from the chief of staff of the Department of Corrections is reproduced in its entirety in Appendix A and the written response from the Secretary of the Department of Management Services is reproduced in its entirety in Appendix B.

Appendix A



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February 19, 2007

Gary R. VanLandingham, Director
Office of Program Policy & Analysis &
Government Accountability (OPPAGA)
Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1475

Dear Director VanLandingham:

Thank you for the opportunity to review OPPAGA's draft report on the Department's practices related to promoting inmate visitation with their families. The Department agrees that maintaining contact between inmates and their families can help reduce recidivism and concurs with the recommendations in your report.

Prior to this report, the Department has been proactive in easing the financial burden on families by not only reducing the inmate phone rates by 30%, but also reducing the prices in the inmate canteens by 15% and reducing the inmate bank fees. Although costs are charged to the inmate, it is the families that ultimately bear the burden of these expenses. In addition, please note that the Department is already actively and successfully seeking community donations for games and activities for children and youth in the visiting parks as well as for recreational equipment for inmates.

As your report acknowledges, the Department has issued an Invitation to Negotiate (ITN) for inmate phones. During this process the Department will consider and evaluate proposals that balance fair rates to inmate families, provides a fair commission paid to the State, and that helps offset the cost of incarceration.

Proper training for our staff and better service to Florida's citizens is a significant concern for the Department. As such, the Department appreciates the opportunity to work with your staff on this report and we look forward to working with you and the Legislature in the future.

Sincerely,

Richard Prudom,
Chief of Staff

Appendix B



Governor Charlie Crist
Secretary Linda H. South

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February 16, 2007

Mr. Gary R. VanLandingham, Director
Office of Program Policy Analysis and
Government Accountability
Claude Pepper Building Room 312
111 West Madison Street
Tallahassee, FL 32399-1450

Dear Mr. VanLandingham:

Pursuant to Section 11.51(5), Florida Statutes, attached is the Department of Management Services' response to your preliminary and tentative audit report, ***Some Inmate Family Visitation Practices Are Not Meeting the Legislature's Intent***. The attached response corresponds with the order of your preliminary and tentative audit findings and recommendations.

If further information is needed concerning our response, please contact Steve Rumph, Inspector General, at 488-5285.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. South", is written over a horizontal line.

Linda H. South
Secretary

Attachment

cc: Shane Strum, Deputy Secretary
Roselyn Ingram, Director of Specialized Services
Terry Rocco, Bureau Chief Private Prison Monitoring

Mr. Gary R. VanLandingham
February 16, 2007
Attachment Page 1

Florida Department of Management Services
Response to OPPAGA's
Preliminary Findings and Recommendations

Finding:

While the Department of Corrections has recently taken steps to strengthen some aspects of Florida's inmate family programs, such as reducing its telephone commissions and inmate phone rates, other components do not fully meet legislative intent. Conditions are similar at Florida's private prisons, which provide only half the visitation opportunities of public prisons and charge more for inmate phone service.

Recommendation:

Lastly, we recommend that the Department of Management Services ensure that private prisons are meeting legislative intent as well the visitation requirements of the state's public prisons.

Response:

While, as OPPAGA recommends, it may be desirable that visitation services in privately operated prisons mirror those of the state's public prisons there are valid reasons why this should not be the case in all instances. Privately operated prisons operate under the authority of Chapter 957, Florida Statutes while public prisons fall under Chapter 944, Florida Statutes. And, while OPPAGA finds that legislative intent for both public and privately operated prisons are one and the same and that visitation practices should be identical (twice weekly on weekends), the Department of Management Services cannot make this conclusion. It should be noted that Chapter 33, Florida Administrative Code, specifies that adherence to the visitation schedule at public prisons is contingent upon numerous factors related to security, order and effective management of the institution. Moreover, the Administrative Code prescribes that visitation is a privilege, not a guaranteed right of either the inmate or the visitor.

As was pointed out to OPPAGA personnel during their review, not all privately operated prisons have sufficient space for visitation on the schedule suggested by OPPAGA. This lack of space creates security concerns. Second, as was also pointed out to OPPAGA personnel, four of the five privately operated prisons are in the process of expansion projects which, when completed in July 2007, will allow the facilities to follow the same visitation schedule now used by the public prisons. Moreover, the privately operated prison which comes online in September 2007 in Graceville was designed with sufficient space to follow the public prison schedule.

Mr. Gary R. VanLandingham
February 16, 2007
Attachment Page 2

In November 2006, the privately operated prison at South Bay voluntarily agreed to provide a visitation day during the week. This additional day of visitation was offered to offset the fact that visits were allowed on only one day per weekend due to security concerns. In the spirit of cooperation, this request for an addition to the visitation schedule was vetted through the Department of Corrections. The Department of Corrections objected to visitation other than on a weekend.

The Department of Management Services has in the past, is currently, and will continue to follow Legislative intent regarding visitation requirements at privately operated prisons. Should the Legislature determine that privately operated prisons meet the visitation requirements of public prisons, the Department will comply with such requirements when enacted by the Legislature.

The Florida Legislature
Office of Program Policy Analysis
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Gary R. VanLandingham, OPPAGA Director