

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 796  
Judiciary

(Delegate Mizeur, *et al.*)

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Bringing Maryland Families Together Act

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This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish a video visitation program under which a Division of Correction (DOC) inmate may visit with family and friends via Internet video. DPSCS must establish an approval process and guidelines for a local nonprofit, religious, or community organization to provide Internet video access for the family and friends of an inmate in the program. DPSCS may establish a cost recovery fee for the program.

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Fiscal Summary

**State Effect:** Under one set of assumptions, general fund expenditures increase by \$236,000 in FY 2013 and by approximately \$32,000 annually thereafter. General fund revenues may also increase due to the cost recovery fee authorized by the bill. The extent to which program costs are covered through program participation fees cannot be readily estimated.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. If one or more small businesses shared in the installation and/or maintenance of a system-wide video conferencing program at DOC facilities, sales and service opportunities increase.

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Analysis

**Bill Summary:** Under the program, an inmate who is in good standing and has not violated the applicable rules of discipline within the prior six months may apply to the

warden of the correctional facility in which the inmate is confined for permission to participate in the program. An application must include:

- a statement by the inmate that the inmate agrees to abide by all terms and conditions of the program and use the technology only for the designated purpose of the program;
- the names and addresses of the proposed family or friends who will participate in the program;
- the name and address of the local nonprofit, religious, or community organization that will provide Internet video access for the proposed family or friends to participate in the program; and
- any other information that DOC requires.

A warden may recommend the application of an inmate to DOC. The commissioner or the commissioner's designee must approve, disapprove, or defer action on the application. DPSCS is required adopt complementary regulations for the program.

A person who willfully violates the conditions of the program is guilty of a misdemeanor and subject to imprisonment for up to one year.

**Current Law:** DPSCS does not currently operate such a video visitation program.

**Background:** Video conferencing generally refers to the two-way, real-time transmission of audio and video signals between specialized devices or computers at two or more locations. According to a 2011 report on prison video conferencing by the University of Vermont's Legislative Research Service, Internet-based software, such as Skype, is already widely available, relatively simple to use, and inexpensive, requiring only a computer with a webcam and the Internet. However, Internet-based software does not exist with the ability to monitor and exercise the oversight necessary for a corrections environment.

Nonetheless, the Vermont report indicates that, there are some active vendors already offering the specialty equipment and installation of video conferencing for correctional facilities. Some services can enable a prison to assess user fees for the service to the inmate or their family much like a phone call would work in the facility. Of the jurisdictions that have already implemented video conferencing in correctional facilities, the Vermont report cites:

### *Pennsylvania*

In cooperation with the Department of Corrections, the Pennsylvania Prison Society piloted a video conferencing program in 2001 in four of the state's prisons. The program has since been extended to prison facilities statewide. Families can schedule one 55-minute visit a month, with each visit costing \$20 to the inmate or their family.

### *Michigan*

The Department of Corrections has implemented video conferencing technology to conduct doctor visits in 34 Michigan correctional facilities that hold more than 45,000 inmates. More recently, video conferencing in Michigan has expanded to parole board hearing and a future project hopes to connect courts statewide to the system. Prior to these video conferencing technologies the state spent an estimated \$10 million on prisoner transportation costs. The costs to correctional facilities to install the video rooms are between \$6,000 and \$8,000. The correctional system has set up 144 Polycom systems, which include video-conferencing software for PCs and telepresence systems.

### *Missouri*

At the time of the Vermont report, the Missouri Department of Corrections was investigating the benefits of video conferencing. DOC united with Sprint Communications and Kinko's, Inc. to provide "virtual visits" to family, friends, and attorneys. These video conferences linked families to inmates housed in three correctional facilities in Missouri.

### *Idaho*

Ada County has implemented a video conferencing system in its detention facilities for a cost of about \$110,000 for installation. System service costs were avoided by using a local company to avoid the use of a third-party vendor.

### *Wisconsin*

The Wisconsin Department of Corrections offers video conferencing opportunities at three facilities, Milwaukee Secure Detention Facility, Columbia Correctional Institution, and Racine Correctional Institution. A cost benefit analysis by the Wisconsin Office of Justice Assistance found the program fiscally and operationally beneficial, as well as citing installation investment costs in a jail to total \$14,750. Maintenance costs are estimated at \$2,000 per year.

## *Florida*

In Florida, a program called Reading and Family Ties allows incarcerated mothers to read stories to their children using live video via the Internet. Although the Vermont report asserts that under this Florida program the cost to inmates and their families to use the video visitation service is typically less expensive than the rate of a collect call from the corrections facility, these effects were not quantified.

In Pinellas County, all visitations are done electronically and family members have the choice of participating in a visitation via a mobile unit in a bus owned by the county sheriff's office. Creating the mobile video visitation program cost less than \$62,000, of which about \$23,000 was used to purchase the bus (since upgraded). Outfitting the vehicle with technology added another \$38,400, including six laptops and other hardware and software. All funding came from either forfeitures or inmate commissary funds. Annual expenses include the bus driver's salary of about \$34,000, including fringe benefits. With fuel and the wireless service, program costs total of about \$50,000 per year.

## *Rockville, Indiana*

Prison inmates are charged \$12.50 for a 30-minute video conference visit, compared to \$15 for a 30-minute local call. The costs of that facilities' video conferencing equipment was covered entirely by the vendor.

**State Fiscal Effect:** Under the bill, it is assumed that DPSCS would initially be responsible for the costs to install and maintain a video conferencing program in all 16 correctional facilities under DOC. However, it is unclear the role that "a local nonprofit, religious, or community organization," as yet unidentified would play toward implementation and operation of the program.

In any event, *for purposes of illustration*, assuming that DOC would install one video conferencing unit at each of 16 facilities for use by inmates who have been approved for the program, and using the Wisconsin costs as a guide, fiscal 2013 implementation costs for DPSCS will total about \$236,000 (16 facilities x \$14,750). Annual maintenance costs for such a system would total approximately \$32,000. However, because DOC already has video conferencing capacities in place for other purposes, the associated costs may be significantly lower. All such cost considerations should take into account that higher resolution systems cost more, and the quality of the Wisconsin system is unknown at this time.

In addition, if the participating local nonprofit, religious, or community organization shared or covered installation and maintenance costs, DPSCS expenditures would also

decrease – perhaps to zero. It is assumed that DPSCS existing budgeted resources could cover any costs associated with establishing an approval process for the program and to adopt complementary regulations.

Although the bill authorizes DPSCS to establish a cost recovery fee for the program, potential revenues from fee collections cannot be reliably quantified without knowing program costs, including annual maintenance, for DPSCS.

DPSCS indicated that program implementation costs may exceed \$1.0 million, due to the fact that locations for the program are in outlying facilities, locations for video conferencing have yet to be determined, and that costs (including communication lines and equipment) would vary by correctional facility location. Legislative Services advises that based on the experiences cited in the Vermont report, costs for such a program will be considerably less than \$1.0 million.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** Although identified as a cross file, SB 760 is not identical.

**Information Source(s):** National Conference of State Legislatures, University of Vermont James M. Jeffords Center, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2012  
ncs/hlb

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