

# Support Virginia Families – End Prison Profiteering

Oct. 13, 2022

Chairwoman, Rehabilitation and Social Services  
Committee, Virginia Senate  
Chairman, Public Safety Committee, Virginia  
House of Delegates  
Chairwoman, Public Safety Subcommittee,  
Virginia House of Delegates

## **Senator Favola, Delegates Wilt & Batten:**

**We as advocates were tasked under SB441 and HB665 to provide you with recommendations to eliminate or reduce the costs and fees to people incarcerated in the Virginia Department of Corrections (VADOC).**

The make-up of this workgroup was comprised of bipartisan organizations, nonprofits, and individuals who have experienced incarceration, have a loved one incarcerated and organizations that provide services to individuals and families impacted by incarceration. The accompanying report is a culmination of professional and personal experiences, research, data and collaboration with VADOC.

The Department of Corrections has been an able partner in organizing and managing the Study Group, as well as in working with advocates and families to reexamine the costs and fees associated with incarceration. VADOC provided documents requested and copious amounts of information that have facilitated this work, and while there were disagreements along the way, the discussion was professional. Our understanding was that VADOC was open to the legislative mandate to review existing practices and consider new models. Regrettably, VADOC appears unable to agree with any of the study group's recommendations. Many of their responses indicate a view that current practices are sufficient, or that no legislative action is required. But as advocates and directly impacted participants in this study group know too well, business-as-usual approaches are not serving the Commonwealth's taxpayers' interests, or the interests of tens of thousands of families of people incarcerated. The status quo is simply not a viable option, as the legislature has recognized in asking for this study and subsequent report.

Currently, the costs and fees examined by this study are largely paid by families of incarcerated people – who are disproportionately low-income families of color. Doing nothing will result in increased impoverishment, high recidivism rates, and on-going exploitation by prison telecommunications, commissary, and financial companies who have a captive market. Included

# Support Virginia Families – End Prison Profiteering

below is our fiscal analysis of how to eliminate unnecessary costs for incarcerated people and their families that encompass all study group recommendations. Our assumptions are stated in the Appendix below and are made with the benefit of experience from other states and localities that have undertaken similar reforms.

Our report is now in your hands, and we encourage you to afford it thorough review and consideration. The General Assembly can immediately improve public safety outcomes by increasing connections between families and those incarcerated. Data confirms that increased time, communication, and access to family while incarcerated increases prosocial behavior and engagement in rehabilitation and lowers recidivism for the incarcerated person. It also reduces the risks of negative social/emotional, academic and health challenges for the children of incarcerated parents.

Furthermore, we can achieve these goals without undue burdens on Virginia taxpayers. The recommendations in our report represent just 2% of VADOC's budget and 0.1% of the entire state budget - nominal figures that would pay for themselves many times over in social and economic value for the Commonwealth when people incarcerated come home and stay home as productive community members. Virginia would also realize future savings through reduced incarceration, reduced need for social welfare programs, and increased GDP as people return to their communities and work. Just as important, the recommendations we have outlined would enable families supporting their incarcerated loved one, to save money and invest it back in the local economy.

Though unable to reach consensus with VADOC, there was broad agreement on the desire to reduce costs for families of people incarcerated as well as a need for sustainable funding sources to cover the ultimate costs of these services. It is important to note that in addition to the traditional General Fund appropriation that may be used to fund these services and ease the burden on many of the poorest families in the Commonwealth, non-VADOC Stakeholders have cited two specific revenue streams that would both overcome existing infrastructure obstacles, as well as provide a sustainable fiscal remedy to concerns raised by VADOC.

1. The federal State Digital Equity Planning Grant Program that is included in the Infrastructure Investment and Jobs Act (IIJA) passed in November 2021 allocates funding to expand broadband to underserved populations, including incarcerated people. In concert with Virginia's recent and ongoing multi-billion-dollar broadband expansion, using this funding source allows for the establishment of an independent network to deliver services recommended by non-VADOC stakeholders, providing VADOC agility in acquiring low cost and high-quality services.
2. For decades, VADOC has maintained an agribusiness program. Over the years this has been in decline as VADOC has further outsourced food services to various vendors. Consequently, thousands of acres of unused VADOC land lie dormant that could be generating revenue. We

# Support Virginia Families – End Prison Profiteering

encourage the General Assembly and VADOC to think creatively about the use of this land. One potential use could be efficiently a land lease for solar farming, creating the next generation of the VADOC Agribusiness program. The benefits would be two-fold: revenue generated would be earmarked to offset the cost of the services recommended by this workgroup and it would additionally provide an opportunity for incarcerated people to learn to install and maintain solar systems, providing them with transferable skills. Ideally, the company or utility leasing the land would become a second chance employer, allowing people with this training that are being released from custody to enter their workforce.

States and localities around the nation are recognizing that the high cost of incarceration to families often leads to unwanted and unintended socio-economic and public safety outcomes. At least two states have made communications free in corrections facilities, and legislatures across the country are considering bills that do the same. There is also movement on the local level, where Sheriffs and corrections commissioners across the country have testified that these changes promote positive outcomes inside jails and prisons and improve reentry outcomes. Inflated costs of goods and services and associated fees aren't a necessary price of doing business in carceral settings – instead, consider that they're a giveaway to companies with low overhead and high markups, and come at taxpayer and families' expense.

We stand ready to assist the General Assembly in any way as you consider these recommendations. We remain hopeful that the Commonwealth of Virginia will be a leader in reducing these fees that fall primarily on the shoulders of the tax paying families who have a loved one incarcerated. Thank you for your time and consideration.

Sincerely,

ACLU of Virginia  
Americans for Prosperity  
House of Dreams  
Justice Forward Virginia  
NoLef Turns  
SALT  
Sistas in Prison Reform  
Worth Rises

Cc: Senator Jennifer Boysko, Delegate Patrick Hope, Delegate Mike Cherry, Director Harold Clarke

# Support Virginia Families – End Prison Profiteering

## APPENDIX

### **FISCAL IMPACT OF RECOMMENDATIONS**

The 12 recommendations in the following report have a total estimated fiscal impact between \$27,031,382 and \$28,329,799, or roughly 2% of the VADOC's \$1.4 billion budget.

TABLE 1. Detailed Breakdown of Fiscal Impact of Recommendations

	Fiscal Impact	Assumptions
<b>Loss of Revenue</b>	<b>\$4,135,341</b>	
Communications	\$455,341	Commissions on tablets, secure messages, music, games, and news subscriptions
Commissary	\$3,680,000	Commissions from 9% markup on items
<b>Cost of Communication</b>	<b>\$5,359,908 - \$6,658,325</b>	
Phone (Option 1 – Per minute)	\$3,263,117	30 mins per person per day at \$0.0119 per min; projected use based on other free jurisdictions
Phone (Option 2 – Per line)	\$1,964,700	2,183 phones across all facilities at \$75 per line
Video Calls	\$1,861,423	90 mins per person per month at \$0.07 per min, limited by infrastructure
Secure Messages	\$1,078,444	4 stamps per person per day at \$0.03 per stamp; projected use with unlimited access
<b>Cost of Commissary</b>	<b>\$17,536,133</b>	
Food	\$16,716,654	Increase daily budget by \$1.80 per person from \$2.20 to \$4.00
Standard Clothing Allocation	\$819,479	Increase budget by \$32.50 per person for men and \$46.28 per person for women (includes 2 t-shirts, 2 underwear, 2 bras (women), and 2 socks)
Supply Allocation for Indigent people	Unknown	Unable to determine due to lack of data on how much VADOC spends on each person who qualifies as indigent or how many people would qualify under expanded definition of indigent recommended
<b>Total Fiscal Impact</b>	<b>\$27,031,382 - \$28,329,799</b>	

*Analysis provided by Worth Rises and other work group stakeholders. Estimates based on 2021 data provided by the VADOC and the 2021 ADP of 24,622, which is still consistent with monthly population reports as of August 2022. Fiscal impact is annualized and assumes all recommendations are implemented and does not account for multi-year implementation as suggested in some cases.*