

AMERICAN CHRONICLES

DO CHILDREN HAVE A “RIGHT TO HUG” THEIR PARENTS?

Hundreds of counties around the country have ended in-person jail visits, replacing them with video calls and earning a cut of the profits.

By Sarah Stillman
May 13, 2024



Le’Essa Hill, aged eighteen, works at a Subway sandwich shop near Flint, Michigan. Her younger sister, a fifteen-year-old aspiring zookeeper named Addy, helps run a “mini-farm” inside the family’s green clapboard house. When I first met the girls, early this year, Addy was caring for five dogs, four cats, two rabbits, and a lizard named Lily, who ate crickets and kale. Le’Essa and Addy were unlikely candidates to wage an ideological battle against two big private-equity firms, but they were in the midst of one because of a situation involving their father, Adam Hill. For more than a year, while Adam was held in the county jail, awaiting trial, the girls had been prevented from seeing him in person.

“My dad is the kind of guy who can climb a tree even if it doesn’t have any branches,” Le’Essa told me. “He just wraps his legs around the trunk.” Le’Essa’s parents separated when she was young, and her dad has struggled with addiction. “He can be really silly and childish, but in a good way,” she added. “Like when something goes wrong, he’ll make up a funny song about it.” Le’Essa, who, like many teen-agers, has experienced mental-health struggles, wished that she had Adam’s companionship. “I feel like my perception of other people is often completely wrong, and I get slapped in the face by that reality a lot,” she told me. “My dad is the only person who really gets it, and so if I could have deeper conversations with him that would be magical.”

Last fall, Le’Essa learned why the children of Flint had been blocked from seeing their parents at the Genesee County Jail. In 2012, a company called Securus Technologies struck a deal with the county, offering financial incentives to replace jail visits with video calls. Families would pay

fees that could exceed a dollar a minute to see their loved ones on an often grainy video feed; the county would earn a cut of the profits. “A lot of people will swipe that Mastercard and visit their grandkids,” a county official told the press at the time.

A few years later, the county went after an even steeper commission. In the sheriff’s office, a captain named Jason Gould helped negotiate a deal with a Securus competitor called Global Tel*Link (or GTL, now known as ViaPath), which included a fixed commission of a hundred and eighty thousand dollars a year, plus a sixty-thousand-dollar annual “technology grant,” and twenty per cent of the revenue from video calls. The jail chose not to restore families’ access to in-person visits. To celebrate the deal, an undersheriff joked to Gould, by e-mail, “You are not Captain Gold for nothing!”

County sheriffs across the country were making similar deals with Securus and GTL, which resulted in millions of dollars in commissions. Many of those counties replaced in-person visits with the companies’ video calls. I first encountered such an arrangement in 2019, when I joined a family friend on a visit to the Skagit County Jail, in Washington State, where her son had recently awaited trial. Instead of holding her son’s hand or sharing a meal with him, she’d deposited funds at a Securus kiosk, using a screen that read, across the top, “Send money here.” (The jail, like most others, also offers the option of conducting video calls at home, from a personal device. Some jails provide a small number of free video visits, although families described those as hard to schedule.) At the Yale Investigative Reporting Lab, I worked with my colleague Eliza Fawcett to identify more than a hundred jails in thirty-six states which have replaced in-person visits with video calls. The Prison Policy Initiative calculates that hundreds more jails have done the same.

“The families aren’t the ones who made these choices, but we’re the ones who pay,” Karla Darling, Le’Essa and Addy’s mother, told me. “If you’re a parent, and your significant other goes to jail, it’s already extremely hard to raise your kids on your own, and to watch the toll it takes on your children.” The financial stress could be severe. Darling said that, after the girls’ grandmother died, she overdrew her bank account “so the kids could see their dad.”

One day, Adam had an idea: Could the girls come to the jail and stand outside a window? Darling could tell how much Le'Essa and Addy wanted to go, so she brought them to a specific lamppost, allowing Adam to see Le'Essa and Addy from a distance, their faces framed by their curly hair. They performed a set of hand signals meant to communicate "I love you" which Adam had taught them. "We're freezing our tails off out here," Darling told him over the phone. "And we can't see anything but your 'fro." Still, the girls thought the trip had been worth it. "I felt super happy and excited that maybe our visit would help keep my dad going," Le'Essa said.

Last fall, Addy and Le'Essa learned that families in Michigan were planning to confront the county sheriffs in Genesee and nearby St. Clair, in addition to GTL and Securus. Two national nonprofits, Civil Rights Corps and Public Justice, were working with the families to lay the groundwork for a pair of innovative lawsuits, asserting that, under the Michigan constitution's due-process clause, people have a legal right to see their loved ones in local jails. Incarcerated people have tried to assert such a right in the past, but they have often been rebuffed in the courts. "What's novel about our legal argument is that it's brought by people who aren't incarcerated—mostly by kids, but also by parents," Cody Cutting, a lead attorney on the case, told me. The families hoped that, if they won, their lawsuits could serve as a model for the rest of the country.



Troy and Onisha Lyle with eight of their nine children. Photograph courtesy Troy Lyle

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Part of the broader strategy was to attract the attention of Tom Gores, the owner of the Detroit Pistons and the founder and C.E.O. of Platinum Equity, which acquired Securus in 2017. Gores grew up in Flint, not far from where the Hill girls live. After the water crisis hit, he raised more than ten million dollars to help the community. He has also invested in its schools, parks, and local groups. “I want to make sure kids in Flint have the same opportunities as everyone else,” Gores told the *Flint Journal*, in 2021. Today, he owns a thirty-thousand-square-foot Los Angeles estate with a theatre complex, an indoor waterfall, and a beauty salon.

Le’Essa said that if she had a chance to speak with Gores and others in the industry she’d tell them, “Children need to see our parents. Some kids’ whole entire lives are changed if they can’t, and now they’re on a whole different trajectory.”

The modern prison-communication industry emerged four decades ago, after the federal government broke up A.T. & T.’s Bell System. New phone companies competed for customers by slashing prices. But inside prisons and jails a different model developed: telecom companies persuaded local officials to sign exclusive service contracts in exchange for hefty commissions. The costs of these commissions were passed along to incarcerated “customers” and their families, who lacked consumer choice. Price gouging was the inevitable result. By the nineties, prison phone-call prices in some jurisdictions had soared to twenty dollars for fifteen minutes.

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In the early two-thousands, private equity entered the picture. Dozens of smaller companies were consolidated into two national juggernauts: GTL, which is backed by the private-equity firm American Securities, and Securus. “The American prison-communications market was appealing to private equity, in part because prisons and jails are recession-proof,” Elizabeth Daniel Vasquez, the director of the Science and Surveillance Project at Brooklyn Defender Services, told me. Various players within the industry experimented with monetizing nearly every aspect

of incarcerated people's daily lives, charging five cents a minute to read books on tablets, selling digital "stamps" required to send messages to people on the outside, and imposing steep fees on family members who sent funds for the commissary. Companies also began offering digital surveillance services that had soared in popularity after 9/11, including facial-recognition software for video calls and voice-identification technology.

"For decades, families and advocates have been working to push back on this industry," Bianca Tylek, who runs the nonprofit Worth Rises, told me. "Finally, in the past handful of years, we've seen incredible wins." In 2020, through a pandemic provision, the federal government made phone calls from its prisons free. So far, five states have followed suit. Last year, President Biden signed a major bill allowing the Federal Communications Commission to cap what the agency's leadership has called "predatory" pricing in some prison and jail communications. But county jails across the country had long since filled their visitation rooms with digital kiosks run by Securus and GTL. "The word 'visit' for these calls is a joke," Tylek said. "If I call my sister in Miami on FaceTime, I don't tell her, 'Hey, I'm visiting you in Miami!' "

Platinum Equity said that by the time it acquired Securus, in 2017, the company's contracts no longer stipulated that jails end or reduce traditional visits. Tom Gores even told the *Detroit Free Press*, "Ultimately, I think this industry really should be led probably not by private folks. I think it probably should be—I'll get killed for saying this—but the nonprofit business, honestly."

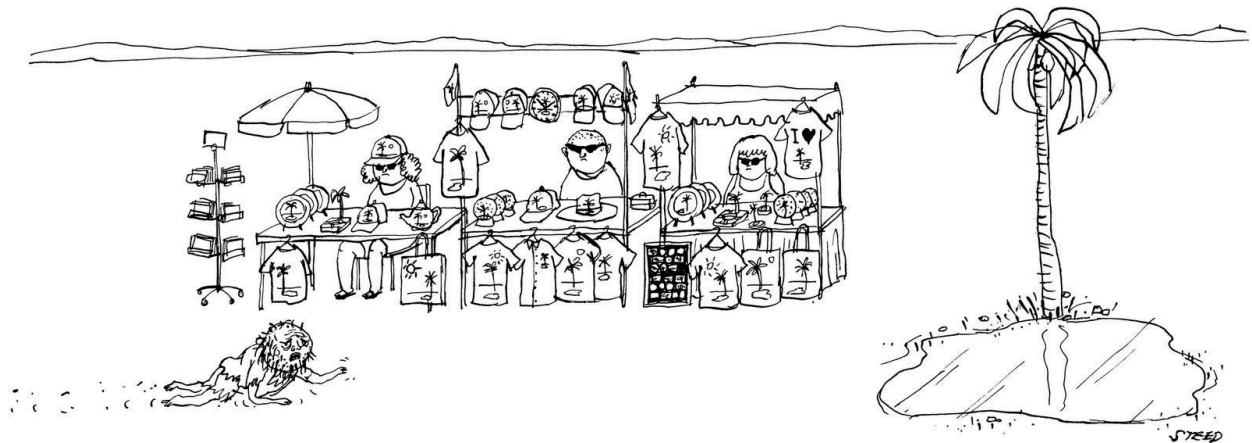
Platinum Equity says it supports changes to the industry. In a statement, it said that Securus products "provide an important connection between the incarcerated and their friends and families, but those products are not intended as a replacement for in-person visitation." But many of the jails where Eliza Fawcett and I examined contracts are refusing to restore regular in-person visits or are actively replacing them with commercial video calls. When I asked Platinum Equity whether Gores would consider offering video visitation only to jails and prisons that retain in-person visits, the company declined to comment. A spokesperson for Securus told me, of the St. Clair lawsuit, "The case against us in Michigan is misguided and without merit." ViaPath similarly denies the allegations in the lawsuit filed against GTL in Genesee County. A ViaPath spokesperson said, "Remote virtual visitation helps families who find the travel time and

expense to visit in person burdensome.” (Most families I met would agree—if the calls were higher quality, more affordable, and offered alongside in-person visits.)

Teresa Hodge, who heads the advisory board for Securus’s parent company, makes this argument in more personal terms. Hodge was previously incarcerated in federal prison, and now runs a reentry organization called Mission: Launch. “What kept me feeling human and sane was my connection to my family,” Hodge told me, of her time in prison, where she had access to phone calls but not to video-conferencing technology. As Hodge sees it, communities’ frustration with Securus is “misplaced,” and should be directed toward the criminal-justice system.

Tylek sees it differently. County jails “replaced all these visiting rooms, and they’re not turning back,” she told me. “The damage has been done.”

In St. Clair County, the financial incentives were stark. Public records I reviewed showed that, after the jail eliminated in-person visits, call commissions almost tripled, from \$154,131 in 2017 to \$404,752 the following year. In February of 2018, a jail administrator wrote a cheerful e-mail to colleagues: “Well that is a nice increase in revenues!”



Cartoon by Edward Steed

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The county's accounting manager replied, "Heck yes it is!" adding, "Keeps getting bigger every month too." (Sheriff Mat King, of St. Clair County, declined to comment on the litigation. But King and the county filed a brief that noted, "There is nothing illegal or unethical about a County seeking other sources of revenue to lessen the burden on taxpayers.")

In Flint, Karla Darling told me, "Once a week, you'd get a free video visit, but only at very restricted times, and if that didn't fit your schedule it was 'Fuck you, you won't see your family.'" A couple of times, Darling said, she had to choose between keeping the heat or gas on in the house and paying the GTL bill. She found that the quality of the calls was so poor that half the time Le'Essa and Addy couldn't hear their dad; on some occasions, the jail failed to even get him to a kiosk for the call. (A spokesperson for Genesee County declined to comment, but Sheriff Christopher Swanson said that he had created some opportunities for in-person visits and was committed to providing more. "I fix problems," he told *The New Yorker*. "I celebrate families.")

Le'Essa told me that she'd been learning on TikTok about attachment styles, and was thinking about the trauma that can result from severing core-caretaker bonds. "I actually remember how, the first time my dad got locked up, when I was about three years old, we were allowed to go see him in person at the jail," she said. "That's how I found out, 'Oh, this is what my dad looks like, and this is what he smells like, and this is what he feels like.'" "

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Back then, Le'Essa remembers, her sister was "just a bald little baby with a big old head," and Adam got to hold her for an hour at a time. Now, at fifteen, Addy told me, "Not seeing my dad is causing real harm."

Last Valentine's Day, I travelled through a snowstorm to Flint. I'd come to join a team of young investigators from Civil Rights Corps and Public Justice as they met with prospective plaintiffs in living rooms, community centers, and coffee shops. A couple of private law firms are involved with the litigation effort, too, which they call the Right to Hug campaign.

I met up with Susan Li, a twenty-two-year-old Columbia graduate, who'd flown in from Brooklyn; two of her colleagues at Civil Rights Corps had driven from Chicago. Since October, Civil Rights Corps investigators had been visiting Le'Essa and Addy, who often had a rabbit draped over her shoulder or Lily the lizard in her hand. That day, though, they took me with them to the snow-encrusted home of a large family, the Lyles.

The breadwinner, Troy Lyle, had been locked up in the Genesee County Jail for more than a year, awaiting trial. (According to Swanson, more than ninety-eight per cent of the jail's current population is unsentenced; many inmates await trial in the facility for years.) Troy and his wife, Onisha, had been together for two decades—they'd met at a high-school sleepover, where he'd asked, "Can I take a picture with you?" Since Troy's arrest, Onisha had been raising their nine kids alone.

Onisha had told us to come by the house around 4 P.M. But when we arrived the kids let us in; Onisha wasn't home yet. An hour passed, then another. "Mom didn't work like this until Dad went to jail," the Lyles' seventeen-year-old, Shanyla, said. Onisha had mostly been a stay-at-home parent; Troy had made a decent living at an auto-body shop. Now Onisha went to work at a factory at 6 A.M., leaving the cleaning and the child care to Shanyla, who was trying to complete high school remotely. "It's too much," Shanyla said. "I'm overwhelmed, and I've had to grow up, but I'm tired of being here with the kids while they make a mess all day."

When Onisha finally arrived, she explained why she was late: GTL's online money-deposit system was broken, so she'd had to drive to a kiosk at the Genesee County Jail to put money on Troy's account.

Onisha knew the power of in-person visitation. Her own dad has been locked up since she was young. "It makes a huge difference to see him in person," she told me. She'd taken a seat at the

kitchen table but kept on a pink faux-fur coat; her factory badge dangled from her neck. As a kid, Onisha said, she'd spent visiting-room hours making ramen, hugging, and playing a card game called I Declare War. Because of those visits, she said, she's remained close to her father: "My dad taught every single one of my kids how to tie their shoes."

As we spoke, Onisha's eleven-year-old son stood beneath a sign that read "Mom's Kitchen" and fixed his dinner: a microwaved White Castle burger and a Pop-Tart. Shanyla was back at the sink, washing a new pile of her siblings' dishes.

Shanyla told us that she looks forward to one day having her dad's meals again. "He'll put lamb chops on the grill!" she said, smiling. Troy had recently won a Crock-Pot in a cooking class at the jail; he was also taking a parenting class run by a group called Motherly Intercession. Those who attended the class could have a single hour-long parent-child visit.

The Lyles' seven-year-old said, "I wish I could do that in-person visit thirty times in a row." The twelve-year-old said, "I thought it was going to be long and fun. But it was only fun, and not long enough."

Imet Troy Lyle at the jail in Flint last October, along with about a dozen other dads in the Motherly Intercession program. All the men wore maroon V necks and sat in green and blue plastic chairs. Lyle, a broad-shouldered man who likes roller-skating and swimming with his family, was particularly vocal. "You give us all these mental-health classes here, but then you take away our ability to see our kids!" he said. "Our families *are* a part of our mental health—we are worried about our babies!" He told the group, "My youngest daughter was only a year old when I got locked up. She's two years old now, and she's really only used to seeing me on a video screen."

An older man offered up a theory about the jail's decision to end in-person visits. "The system is designed to take us from our families, so that we take a plea deal just to get back to them," he said. The whole group nodded. "We all know that when you're in the penitentiary at least you can see your family." He was referring to the fact that the state's prisons still facilitated regular in-person visits. "Here, they're trying to break us," the man insisted.

On the women's side of the jail, the desperation is even more extreme. The women report that at times they are placed on lockdown for twenty-three hours a day. Two mothers told me that, during the free hour, dozens of women compete for a limited number of kiosks, on which they hope to see their children's faces. One mother, whom I'll call Jane, recalled that physical and verbal altercations were constant. "Everyone wants to call their kids," she said.

"A lot of the women in the jail with me were deeply family-oriented people, but, because the calls were so outrageously expensive, I watched them break down into despair," Jane continued. A surreal economy arose: "Women would beg me, saying, 'I'll give you some noodles,' or 'I'll do your laundry,' or 'I'll do your hair and eyebrows'—whatever they could offer to afford a phone call to their kids. If you don't have money, you don't get to have ties to your family."

Some of the women had been separated from their infants or toddlers. Brya Bishop, a plaintiff in the Genesee County lawsuit, told me that she'd been breast-feeding her one-year-old when she was jailed: "My daughter barely ate for over two weeks, so I kept begging the jail, 'Can't I at least feed my daughter?' " (Swanson said that the jail follows an internal breast-feeding protocol.) She recalled that, for a long time, she couldn't get access to a working video kiosk. "I was terrified that my baby would forget my face," Bishop said. When she was finally released, after more than two years of pretrial detention, she felt that the toll on her kids was irreversible. "It broke our bond, and it caused deep damage and a loss of trust," she said. If she had been able to see them in person, she said, she could have "touched them, and kissed them, and reassured them, eye to eye."

America's correctional institutions have sometimes doubled as laboratories where incarcerated people serve as low-wage or nonconsensual test subjects. "Novel technologies are often first deployed on the most marginalized communities, in ways that later get expanded to the broader public," Albert Fox Cahn, the founder of the Surveillance Technology Oversight Project, told me. "We're just willing to treat people as guinea pigs when they're behind bars." Today, county jails are deploying mass data-gathering and new surveillance technologies offered by Securus and GTL, the Right to Hug lawsuits allege. But instead of incarcerated people being paid for their role as experimental subjects, they and their families are being made to pay.

GTL, for instance, offers a suite of products to help correctional facilities identify criminal behavior, including one called Call IQ. The company claims that this tool can be used to generate transcripts of calls and detect keywords, including “street terminology.” The company says that it can also “capture and present users with a ‘word cloud’ showing new phrases being used within their population,” which can reveal “hidden activities.” In addition, GTL claims that it can perform a version of affect analysis on all participants in surveilled jail calls, “so an investigator can look for calls that start or end at a threshold of emotion (e.g., a happy tone versus a stressed tone).”

Securus, meanwhile, sells a surveillance product called THREADS, which subjects calls to keyword analysis, collects data on anyone who communicates with an incarcerated person, and shares intelligence with a range of investigative agencies. At one point, the company boasted on its Web site that the THREADS database included the names and addresses of more than six hundred thousand people. (That information has since been removed.) In October of 2022, Securus received a patent for a novel “behavior evaluation system” that could attempt to “monitor” and “analyze” the speech of people talking to incarcerated individuals, using a special ranking tool. If the company deemed a “non-resident’s” behavior to be “good,” it could provide the person with rewards, including free calls. (“The system has not been developed and is not being used,” the company told me.)

“These companies are trying to detect people who are talking about potential crimes, using voice-to-text and pattern matching, but this is total pseudoscience,” Cahn said. “People can be wrongly flagged for totally normal conversations.”



“He can be really silly and childish, but in a good way,” Le’Essa Hill said of her father, Adam. Photograph by Cydni Elledge for The New Yorker

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A half-dozen legal experts also expressed concern about potential privacy and civil-rights violations. In 2020, an investigation by the *Maine Monitor* revealed that jails with Securus contracts had recorded eight hundred and thirty-seven confidential conversations between incarcerated people and their attorneys. In Kansas, Securus settled a lawsuit after more than five hundred people allegedly had calls with attorneys recorded. (Both Securus and GTL say they provide notifications that a call is being recorded before a party accepts the call.) And, last June, a deputy marshal in Del Rio, Texas, pleaded guilty to illegally using a Securus service to locate people with whom he had personal relationships. Securus discontinued that service—which reportedly allowed agencies to track almost any cell phone in the country within seconds, without a warrant—after multiple incidents of abuse.

Lucas Marquez, a civil-rights advocate with Brooklyn Defender Services, recently testified that these new digital surveillance tools, which sometimes retain data indefinitely, have the effect of punishing communities of color for not being able to pay bail. “If a person could afford bail and was not held in our city jails, law enforcement could only eavesdrop on that person’s communications with a specifically issued warrant,” Marquez told a New York City Council committee last year. On April 15th, Brooklyn Defender Services and several other groups, including the Bronx Defenders, filed suit against the New York City Department of Correction, alleging that it operates, with Securus, “a mass surveillance project primarily targeting Black, brown, and low-income New Yorkers.” (A D.O.C. deputy commissioner said in a statement that the “monitoring of phone calls is essential for the safety of all staff and every person in custody.” A spokesperson for Securus said that its partners “determine and communicate their requirements for monitoring and recording all outbound calls.”)

The Lyle children were alert to the fact that video calls with their dad were surveilled; their mom reminded them of it often. “I don’t like that the police record our calls,” Lyle’s eleven-year-old son told me. Law enforcement and surveillance pervade their dreams, their group chats with

friends, even their tantrums. Recently, after one of Lyle's video calls with his two-year-old daughter dropped out, the girl said, "The police hung up on my daddy!"

Le'Essa and Addy Hill were also preoccupied with surveillance. "When I share really personal things about my own mental health to my dad, I don't want random people listening," Le'Essa told me. The possibility that she was being surveilled made her feel like she couldn't speak truthfully. She also knew that asking her dad too many questions could jeopardize his case: recordings of calls are routinely accessed by prosecutors and used against defendants in court. Karla Darling, the girls' mom, told me that, because of these fears, Le'Essa and Addy's calls to their dad were like "a medicine and a poison at the same time."

In a few parts of the country, families of incarcerated people have been pushing back against the loss of in-person visits and, on occasion, winning. I recently spoke with Garry McFadden, the sheriff in Mecklenburg County, North Carolina, who was elected on a platform that included restoring in-person visitation to the county jail; children with incarcerated parents had lobbied him on the issue.

"I made a special area for face-to-face visits, where fathers can play games with their children, read them books, hold them," McFadden said. "Not one of those young men has acted out since." McFadden has kept the video-call system, for people who have trouble getting to the jail or who feel more comfortable at home, and insists that facilities can easily do both. "But, the truth is, every sheriff isn't going to do that," he told me, "because they're in the good-old-boys club or the thin-blue-line club."

In Knoxville, Tennessee, families who in 2018 formed a group called Face to Face Knox discovered that, after their county contracted with Securus and eliminated in-person visits, assault rates at the jail went up. "We had so much momentum," Julie Gautreau, one of the organizers, told me. "Then the pandemic hit, and we got completely stonewalled."

Gautreau still stewes over a detail that the group uncovered. A senior officer at the Knox County Detention Facility had reportedly claimed that replacing in-person visits with video visitation would be "great for families," and that incarcerated people could even "see their pets." Gautreau

learned that a month after the officer left his job at the jail he took a position with a company that had installed Knox County's video kiosks.

On a sunny day in early March, the Civil Rights Corps investigator Susan Li flew back to Flint, for the ninth and final time before the lawsuits' filing. She pulled up outside the green clapboard house, where Karla Darling had baked a chicken. Addy showed Li the glass enclosure where she kept her lizard, not far from her posters of Billie Eilish and Harry Styles. She also showed off her dad's boxing trophies; years ago, Adam had been a three-time Golden Gloves recipient. "I hope this lawsuit does what it intends to do," Addy said. "My dad has a good heart, and I want to be closer to him, but all this stuff has kind of gotten in the way."

Li could relate. Her own dad, she'd told Addy and Le'Essa, had been incarcerated when she was just thirteen. Growing up in New Jersey, Li hid the fact that he was in prison from even her closest friends until she turned eighteen. Around the time of Li's nineteenth birthday, in April of 2020, her dad contracted COVID-19 in prison; he died soon afterward. She had to watch his funeral on a video screen. Li started advocating for the rights of incarcerated people and their families. "This was how I could honor him and keep my love alive," she told me. In 2021, she testified before a New York State Senate committee, asking, "Is my father not human and was his life not precious?" Now, in Flint, Li hoped that she could offer the Hill girls some reassurance: coming forward with their stories could be its own form of healing.

When she wasn't working late hours at Subway, Le'Essa had been studying the history of American inequality, from slavery to post-colonial conflict, on TikTok. "I got lucky to not have a bad algorithm," she said. But she'd started to notice a disheartening pattern: for most of history, she said, "even when people noticed and called out things that were really bad, the people in power just switched things up a bit, and got their way."

Le'Essa hoped that the lawsuits could break the pattern. "I really care about younger people, and how the 'weaker links' get treated," she said. Adam had recently been transferred to state prison, where the family is allowed to visit. Still, Le'Essa felt anxious that she and her sister might be ignored, or even punished, for their part in the Right to Hug campaign. "What if the sheriff just finds a script to try to shut us up, and makes us feel like we can't do anything?" she asked.

Le’Essa saw the task ahead as hard but not impossible—a bit like climbing a tree without branches. ♦

Published in the print edition of the May 20, 2024, issue, with the headline “The Right to Hug.”