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# Advertising company putting ads in county jail

## Lawyers, bondsmen can market services

By Matthew Spina

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The Erie County Holding Center, which has had its share of problems in recent years, soon will be on the cutting edge in this respect: It will allow bail bondsmen and defense lawyers to advertise on a high-definition television screen aimed at defendants minutes after their arrest.

The key to effective advertising is to reach consumers at the moment they make their purchasing decision, said Anthony N. Diina, the head of a company offering digital advertising services to Erie County government.

“What do people want when they are in the Holding Center?” Diina asked. “They want to get out. And they don’t want to get convicted. So they want bail. And an attorney.

“You want to advertise to someone exactly when they want to make their decision. That is the case here,” he said, adding later, “this is the ultimate captive audience.”

Diina’s Metrodata Services, through its unit called “Captive Ads,” will place

one screen just outside the Holding Center booking area and another in a lobby used by friends and families waiting to visit inmates.

About half of the available advertising slots have been sold, he said. A solicitation sent to lawyers offers a rate of around \$40 a week with a one-year commitment.

County government benefits in a couple of ways. It will share a third of the net revenue, which Diina estimated could provide \$8,000 to \$15,000 a year. And the county will place its own messages on the screens as well.

Those messages will include, among other things, rules about the facility in up to three languages for recently arrested inmates. The screen for visitors will display facts intended to answer their most common questions, about important telephone numbers, visiting hours, parking, bail, the cashier's availability.

"We believe this will be a very helpful program, which will improve our communication with the public and our inmates/ detainees," said Undersheriff Mark N. Wipperman, who oversees daily operations for Sheriff Timothy B. Howard. "The monitors will provide information and answers 24/7 to the most frequently asked questions by the public and our inmates."

But does the advertising take advantage of a vulnerable audience?

There are boundaries to responsible advertising and this program crosses the line, said James Auricchio, a former prosecutor now doing criminal defense work.

"I wouldn't do it even if I was subsisting on Ramen noodles," he said, explaining that many defendants aren't ready to make important decisions about legal representation when still reeling from the shock of arrest and confinement.

"It's just poor taste, in my mind. It strikes me as inserting a commercial aspect into something when I don't feel there is any place for it. Maybe that advertising does provide a good service," he said later. "But keep in mind, it is advertising just like other advertising. The value that is given by any given attorney varies dramatically."

Metrodata didn't have to bid for the jail business. Instead, it's working under a 2009 contract it struck with County Hall to provide advertising and messages on screens in the county-run auto bureaus.

Jail personnel, without circulating a new "request for proposals" to other companies in the field, reached out to Metrodata to operate in the Holding Center as well. The idea apparently sprung from a meeting among county employees gathered for a "culture change" session— part of County Executive Chris Collins' Six Sigma management program for the government.

Diina's nephew occupies a high-ranking post in the sheriff's Jail Management Division. But Thomas Diina had no involvement in the advertising agreement, according to both Anthony Diina and Wipperman. In fact, Anthony Diina said he resisted the idea when it was first broached because he doubted it would be profitable.

Several county jails around the country offer advertising on their websites. The

Charlotte County Jail in Florida in 2009 said it might be among the first in the country to sell advertising on the video screens by which inmates see their visitors. The Erie County Holding Center has offered static advertising for bail bond companies, but the Holding Center's new arrangement appears to be rare among county jails. A spokeswoman at the 2,500-member American Correctional Association in Alexandria, Va., said she had never heard of a facility directing televised advertising to recently arrested suspects.

The state Commission of Correction, which polices local jails in New York, has called Erie County's two facilities — the Holding Center in Buffalo and Correctional Facility in Alden— the most troubled county system in the state.

The commission had no opinion on the Holding Center's advertising because it does not appear to affect the safety, security or appropriate operation of the jail.

The County Legislature has created a "Community Corrections Advisory Board" to examine the jail systems' more chronic problems with inmate treatment and to recommend improvements. Its vice chairman, the Rev. Eugene L. Pierce, says he would think differently of the new advertising program if revenues were funneled into inmate-betterment programs, just like revenue from the inmate commissary and the telephones they pay to use. As it stands now, the county's advertising revenue would flow into the county's general fund, where it could be spent for any government purpose.

"Inmates should not be used to generate funds for the county's jail operations," said Pierce, who served as the Correctional Facility's deputy superintendent from 1984 to 1997.

Still, Pierce saw an opportunity for the advisory board.

Part of its mission is to provide a forum for people with complaints about jail mistreatment. He said perhaps the advisory board can now display its contact information on the Holding Center screens.

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## Comments

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Very clever idea to allow advertisements in the holding center. Maybe we will see something like," if

your civil rights have been violated and you want to sue the county call us today." or "Did you know the US Dept of Justice found that Erie County has been violating citizens rights for years. Join our class action, we will sue the county and the county executive personally." And we never charge a fee unless we get money for you.

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**JEFFREY FREEDMAN, BUFFALO, NY** on Sun Mar 27, 2011 at 02:24 PM

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Like encouraging the ambulance chasers..... Getting their business when people are down on their luck. Pathetic! There oughta be a law...used to be one! Bizniz az uzual!

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**LYDIA BEZOUHOJNACKI, BUFFALO, NY** on Sun Mar 27, 2011 at 01:35 PM

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It maybe a good idea, but it may backfire. An individual can sue for false advertising !

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**PHILIP JAMES JAROSZ, BUFFALO, NY** on Sun Mar 27, 2011 at 12:17 PM

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