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VINCENT G. [redacted]
Sheriff

911 PARR BOULEVARD
RENO, NEVADA 89512 - 1000
TELEPHONE: (702) 328-3001

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August 29, 1994

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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RE: Billed Party Preference; CC Docket No. 92-77

Dear Office of the Secretary:

This Detention Facility would like to take the opportunity to add final comment to the ongoing FCC issue of Billed Party Preference for inmate phone services.

A review of the material submitted to date raises concern over the lack of substantive arguments why the current inmate phone service system should be changed. Of particular concern was the 16-page submission from C.U.R.E. (Citizens United for Rehabilitation of Errants). This submission is replete with suppositions, based on the perspective of the support attorneys, far from the reality of the jail administrators who have accepted this daily responsibility.

First, there is reference to "substandard service". This is simply not true. In the case of this facility, the IPSP (RC&A) service (to include fraud and harassment protection) has exceeded that previously provided by the local Bell companies. This service includes all components: (1) the inmates; (2) jail administration; and (3) the general public, whether it be citizens that desire contact with inmates or citizens that want to be protected from inmate contact.

Second, there is no supporting evidence that BPP will control fraud when in fact firsthand experience indicates the opposite. The C.U.R.E. comments on this subject are not factual and, therefore, not helpful in resolving the key contentious issues here. Unfortunately this is no support evidence of how any change could in fact improve on the excellent control systems already in place.

Third, the point is made that the "likely impact of BPP on prison commission, as described supra, is smaller than what prison administrations fear". It would seem logical that this call should be made by the jail administrators who shoulder the burden of managing this issue on a daily basis.

Fourth, reference is made to "exorbitant OSP calling rates". This is simply not the case where reasonable state or local controls are in place (as is the case with the Public

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Service Commission of Nevada, Docket No. 92-0014, on May 31, 1994). The calling rates are less than the prevailing local rates. In areas where this is not the case, corrective measures can be quickly implemented. This point is also valid where certain facilities are placing these phone revenues into the "general fund".

The precedence previously established where the courts allowed the jail administrators to establish systems and programs that would serve the phone needs of the inmates was a sound and practical approach. The successes of both inmate programs and effective phone controls to the general public should not be diminished by the unfounded charges and arguments of such groups as C.U.R.E. above.

There are some important points that are worth repeating in the AJA letter dated July 26, 1994, on this BPP subject.

First: "You must understand that the purpose and use of inmate telephones bears little resemblance to the purpose and use of telephones by the general public. . .Our society will not tolerate a system that allows inmates to have free and open access to the telecommunications network."

Second: "Such responsive action (fraud and nuisance call controls) could not be taken under BPP, since there could be dozens of different carriers that could carry inmate calls, none of whom will have any obligation to the facility."

Third: "Our jails (in fact the Public) cannot afford to provide inmate telephone equipment that has the necessary controls without the assistance of inmate phone service providers."

All of these above arguments support the status quo. We would ask that the real facts be considered on this important issue. The public perception would seem to support the stance of continuing the system currently in place. For those of us responsible for managing such services, the solid arguments fall clearly on the side of defeating the Billed Party Preference effort.

Sincerely,

VINCENT G. SWINNEY, SHERIFF

By: _____

James Myers, Chief Deputy
Detention/Courts Bureau
Washoe County Sheriff's Office
911 Parr Boulevard
Reno, Nevada 89512