



CC 92-77

Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable John Warner  
U.S. Senator  
600 East Main Street  
Richmond, VA 23219

Dear Senator Warner:

Thank you for your letter on behalf of Kennard L. Phipps, Sheriff, Montgomery County Sheriff's Office; John W. Jones, Executive Director, Virginia Sheriff's Association, Frank Drew, Sheriff, Virginia Beach Sheriff's Office; Gerald V. Lovelace, Assistant County Administrator for Operations, Halifax County Planning Commission; W.Q. "Quint" Overton, Sheriff, Franklin County Sheriff's Office; John H. Grubb, Jr., Sheriff, Sheriff's Office of Smyth County; Robert J. McCable, Sheriff, The Office of the Sheriff, Norfolk, Virginia; and Michelle B. Mitchell, Sheriff, Richmond, Virginia regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

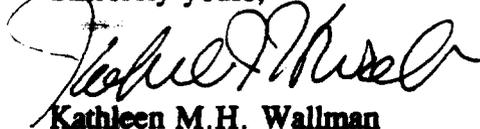
BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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List A B C D E

The Honorable John Warner  
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosures

JOHN WARNER  
VIRGINIA

COMMITTEES:  
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# United States Senate

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September 16, 1994

*OLA  
92-17  
4662*

Ms. Judith L. Harris  
Legislative Affairs  
Federal Communications Commission  
1919 M Street  
Washington, D.C. 20554

Dear Ms. Harris:

I am writing to bring to your attention the enclosed comments from my constituents concerning the proposed regulation pertaining to the Billed Party Preference.

I would appreciate your reviewing this correspondence and including it in the public comments.

Please send your reply to my state office:

Senator John W. Warner  
600 East Main Street  
Richmond, VA 23219

Thank you for your time and courtesy.

With best wishes,

Sincerely,

  
John Warner

JWW/ap  
Enclosure

**MONTGOMERY COUNTY SHERIFF'S OFFICE**

**KENNARD L. PHIPPS, SHERIFF**



4 SOUTH FRANKLIN ST.  
P.O. DRAWER 149  
CHRISTIANSBURG, VA 24073  
PHONE (703) 382-6906

The Honorable John Warner,  
U.S. Senator from Virginia  
United States Senate  
Washington, DC 20515

Re: FCC Docket No. 92-77, Opposition to Billed Party Preference

August 1, 1994

Dear Senator Warner,

As the Sheriff of Montgomery County, Virginia and Administrator of the County Jail, I am vigorously opposed to any form of regulation of contract communications operators or long distance carriers that would, in any way, affect or jeopardize the present security and service of our inmate telephone system. I am specifically referring to the application of Billed Party Preference for 0+ InterLATA Calls, or BPP, at inmate facilities as referenced in FCC Docket #92-77.

Over the past six years our average inmate population has increased by over 50% while during that same period our Jail Staff has seen a force reduction of nearly 20% due to funding cuts. Currently, our jail houses a daily average of just over one hundred inmates. We have been successfully using the services and equipment of a private contract communications carrier/operator for more than three years. This automated telephone system, with its' attendant control services, permit our staff to do their job more effectively while not having to worry about what is happening in this area of inmate needs.

Today, we enjoy a relatively harassment-free and low fraud incidence operation that has satisfied several needs outside of the communications arena because of the services and equipment provided by our contractor. Among these are the compensation derived from commissions of receivables from the collect calls billed to the inmates' called parties. These funds are deposited entirely into an inmate welfare account that has provided many educational, spiritual, and recreational enhancements to our inmate activities programs.

The application of BPP will most likely remove any controls that we now have over those various fraud elements and harassment techniques that inmates use against witnesses, judges, jurors, businesses, and employees, through the eventual elimination of enterprising companies like our inmate communications contractor.

It is impossible to conceive how a potential witness or complainant could think (or remember) to protect themselves from threatening phone calls by an incarcerated inmate when the responsibility for that protection would fall directly on that person and their "designated" phone carrier. It takes only one threatening call to intimidate a witness or complainant. By using "PIN" numbers and approved number calling services and other controls, as provided by a dedicated inmate communications company, this type of problem is virtually eliminated.

To make the concept of BPP technologically equal to present systems in place and on line will cost huge sums of money that will ultimately be burdened by the public. This would NOT benefit that public. If it is the intent of the FCC to protect the public from potential price-gouging by a few unscrupulous operators, then I would be in favor of a price ceiling system, directed at State level and administered by the Facilities through contract management, be imposed for this purpose. Currently, our phone bill receivables are split with our inmate communications contractor in the form of nominal commissions. This billing is in line local BOC pricing and the fiscal advantage ultimately flows back to the inmates. Conversely, BPP will allow the carriers to probably maintain the same local BOC pricing levels, but with the ultimate fiscal advantage going only to those operators.

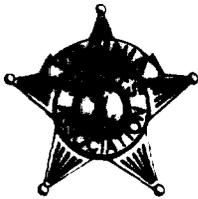
Although there are several State Regulatory agencies that are supporting the application of BPP, we feel that in the name of an Administration that is placing great emphasis on crime control and prevention, it is not a good idea and does not present a viable alternative to the administrative and security controls that we have for effective criminal justice management in our jail.

In summary, if this application were passed, it would cause us to lose control of telephone fraud activities originating from the jail and the harassment of witnesses, complainants, or victims. It would reduce or eliminate much-needed revenue that is used to operate State or Federally mandated inmate welfare and social reform programs. Programs that are NOT funded by those same mandates.

Sir, we urge you to support the needs of the Criminal Justice Community by strongly requesting that the Commission NOT adopt this regulation.

Respectfully submitted,

  
K. L. Phipps  
Sheriff



# Virginia Sheriffs' Association

9507 HULL STREET ROAD - SUITE D • RICHMOND, VIRGINIA 23236  
(804) 745-3720 FAX (804) 745-2292

August 4, 1994

The Honorable John W. Warner  
Russell Senate Building, Suite 225  
Washington, D.C. 20510

Reference: Billed Party Preference

Dear Senator Warner:

I have received numerous copies of communications from sheriffs and other corrections professionals relating to the issue of Billed Party Preference (BPP) for inmate telephones. As I can understand it, the Federal Communications Commission is considering passing rules that would make it possible for inmates in local jails to choose the carrier they want. I believe that BPP would eliminate all inmate service phone commissions to local jails and the fraud control features currently provided by inmate phone services. Accordingly, this would result in reduced funding for local jails and an increase in harassment calls made to judges, witness, jury members and victims. This association has previously voiced its opposition to this changed policy.

The phone systems sheriff's offices use in local jails do not require deputy sheriffs staff time to supervise the inmates using the phone. Substantial funds are saved by state and local governments with the present phone systems. I hope you will assist me in convincing the Federal Communications Commission that careful consideration must be given to any changes made to inmate telephones.

For your information, I have provided a copy of letter Sheriff Frank Drew of Virginia Beach, has written to the Honorable Reed E. Hundt, of the Federal Communications Commission. The issues raised by Sheriff Drew are issues experienced statewide by Virginia sheriffs with inmate telephone systems.

Thanking you in advance for your assistance.

Sincerely,

John W. Jones  
Executive Director

JWJ/slg

Enclosure

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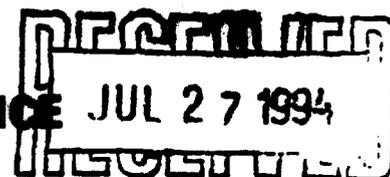


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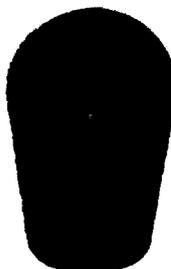
**VIRGINIA BEACH SHERIFF'S OFFICE**



**FRANK DREW**  
Sheriff

**JOSEPH P. VITALE**  
Undersheriff

2501 JAMES MADISON BLVD.  
P. O. BOX 6098  
VIRGINIA BEACH, VA 23456-9073  
PHONE (804) 427-4555  
FAX (804) 427-2806



July 22, 1994

The Honorable Reed E. Hundt  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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

Dear Mr. Hundt:

I would like to take this opportunity to voice my opposition to Billed Party Preference (BPP) for inmate telephones. BPP will eliminate all inmate phone service commissions and the fraud control features currently provided by our inmate phone service. The mere thought that as a jail administrator, I would not be able to control how inmate calls are routed, is appalling. The thought that an inmate could harass judges, witnesses, jury members or victims is an atrocity.

In the Virginia Beach Correctional Center, I have on site maintenance assigned to keep the inmate telephones in operating condition at all times. This prevents the delay of inmates making their telephone calls to family members, clergy, attorneys or friends. We have no down time on this service to our inmates, a statement I am sure I would not be able to make if service was as proposed by BPP. I oppose any federal interference with a Sheriff's ability to manage and control the inmates' calling.

In these days of budget cut-backs and financial constraints, it would be impossible for me to operate this facility as it is currently being operated, without funds generated by the inmate phone system. Recreation equipment, library books, educational and religious programs would also suffer. The revenue-sharing arrangements with our inmate phone provider have been an innovative

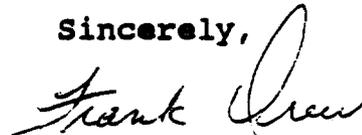
and effective means of financing important inmate needs. At a time of fiscal crisis in government, the FCC should not be cutting off a critical source of revenue that is used to benefit the inmates of this facility.

The rates provided by my inmate phone provider are reasonable. No complaints have been received in regard to the fees associated with our current system.

In closing, I believe that the responsibility for ensuring that the provider charges reasonable rates lies with facility administrators, who are in the best position to evaluate the circumstances of particular facilities. I have never known of a case where a problem was solved by adding another level of bureaucracy.

Thank you for your consideration and I would gladly show you through a facility where the present inmate telephone system works for the inmates.

Sincerely,



Frank Drew

CC: The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Rachelle B. Chong  
The Honorable Susan Ness  
The Honorable Charles R. Robb  
The Honorable Owen Pickett  
Mr. John Jones ✓  
The Honorable James Dunning



## HALIFAX COUNTY PLANNING COMMISSION

OFFICE OF PLANNING DIRECTOR

P. O. BOX 786

HALIFAX, VIRGINIA 24558-0786

PHONE: (804) 478-2002

August 2, 1994

The Honorable John Warner  
The United States Senate  
225 Russell Senate Office Bldg  
Washington, DC 20510-4601

Dear Senator Warner:

Enclosed is a copy of a letter to the Federal Communications Commission expressing opposition to a Commission proposal concerning Billed Party Preference. This concerns the provision of inmate telephone service in incarceration facilities.

I am requesting that you contact the FCC to support Halifax County's opposition to Billed Party Preference.

Should you require additional information or wish to discuss this further, please do not hesitate to contact me.

Sincerely,

Gerald V. Lovelace

Assistant County Administrator for Operations

GVL:sb

Enclosure



## Halifax County Board of Supervisors

P.O. Box 786  
Halifax, Va. 24558-0786  
Telephone (804) 476-2141  
Fax (804) 476-4241

WILLIAM D. SLEEPER  
County Administrator

July 29, 1994

SUPERVISORS  
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RUTH H. NEAL  
Vice Chairman  
R. E. ABBOTT  
W. E. COLEMAN  
H. W. MATTHEWS  
J. K. MCKINNEY  
T. E. WEST

The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: Billed Party Preference  
CC Docket # 92-77

Dear Chairman Hundt:

I write on behalf of the Halifax County, Virginia Board of Supervisors to oppose the Billed Party Preference (BPP) proposal. After discussions with the Sheriff of Halifax County who operates the Halifax County Jail, it is our belief that BPP will have a detrimental impact on the ability of the County to provide its inmates reasonable access to telephone service, and the ability of the County to control harassing or intimidating calls. Further, there is a potential loss of revenue which benefits inmates.

The County entered into a contract to provide inmate telephone service several years ago. Prior to that time, only a single telephone was available for inmates, and inmates had to be taken one (1) at a time to the phone room by a Correctional Officer. The inmate telephone system allowed for the installation of several additional telephones, thus increasing inmate access to outside communications. As our inmate population has increased over the years to where we now house 60-70 inmates on an average day, the multiple telephone capability has certainly been beneficial. Further, a Correctional Officer is no longer required to escort an inmate to the telephone room, thereby freeing that Officer for other duties.

Should Billed Party Preference be approved, the Sheriff could lose the ability to utilize number blocking to prevent inmates from placing harassing or intimidating calls to Judges, attorneys, witnesses, or victims.

The revenue generated by the inmate telephone system is utilized by the Sheriff to benefit the inmates. State and local funding for Jail operations is limited, with this funding providing the necessities for the inmates. The revenue generated by the inmate telephone

Chairman Hundt  
Page 2  
July 29, 1994

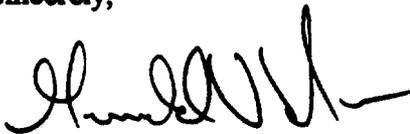
system does not go into the County's General Fund. Rather, it is used for purchases that return to the inmates in the form of recreational activities, reading materials, and other such items that quite possibly could not be provided were it not for this revenue. Virginia statutes mandate that revenues from this type of service be so utilized.

We believe that the rate structure with our existing inmate telephone system is fair and reasonable. In the several years we have had this system, there has only been one (1) complaint of an excessive charge. This complaint was resolved to the satisfaction of all parties. The fact that there has been only one (1) complaint out of the hundreds of calls is a clear indication that the rate structure is reasonable.

On behalf of Halifax County, I urge the Federal Communications Commission to disapprove the Billed Party Preference proposal. I believe the adverse impacts of Billed Party Preference far outweigh any benefit.

Halifax County appreciates the opportunity to comment on this proposal.

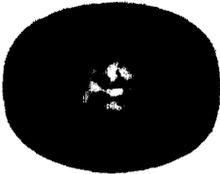
Sincerely,



Gerald V. Lovelace  
Assistant County Administrator for Operations

GVL:sb

cc: The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Rachelle B. Chong  
The Honorable Susan Ness



**FRANKLIN COUNTY SHERIFF'S OFFICE  
ROCKY MOUNT, VIRGINIA 24151**

W. G. "QUINT" OVERTON, Sheriff

July 29, 1994

The Honorable John Warner, Senator  
U. S. Senate  
Washington, D. C. 20515

Re: Billed Party Preference  
CC Docket No 92-77

Dear Senator Warner:

As Sheriff of Franklin County, Virginia, I would like to express my opposition to the proposed Billed Party Preference (BPP) Rule which is currently before the Federal Communications Commission, or any other Rule or restriction which would alter the services provided to us by our inmate telephone service providers.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have found it necessary to install phone equipment that is specifically designed for inmate calls and use. This equipment helps prevent fraud, harrassing calls, and other criminal activity over the telephone network. This equipment was provided to us, free of charge, by the telephone service provider that is under contract with the county jail. This equipment is also upgraded and maintained by the same telephone service provider--free of charge. The telephone service provides an asset which is self-supporting, self-sufficient and worry-free; while at the same time provides funds back to the jail to be used to provide inmates and facilities with a means to purchase educational, spiritual, and recreational enhancements to their inmate activities programs. The inmate phone system is a vital tool to the correctional staff which allows inmates to maintain close contact with their families and friends and at the same time provides staff with an irreplaceable management tool.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

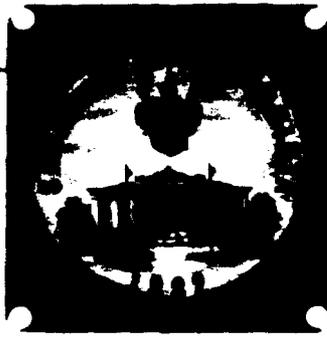
In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,



Sheriff W. W. Overton  
Franklin County Sheriff's Office & Jail

**W. Q. "Quint" Overton**  
SHERIFF OF FRANKLIN COUNTY  
102 EAST COURT STREET  
ROCKY MOUNT, VIRGINIA 24151



## Sheriff's Office of Smyth County

111 WEST NORTH LANE, MARION, VIRGINIA 24354

(703) 783-7204

John H. Grubb, Jr.  
Sheriff

July 26, 1994

Sen. John Warner  
U. S. Senate  
225 Senate Russell Office Building  
Washington, D.C. 20510

Dear Sen. Warner:

I trust this letter finds you well. I am writing to you because of my concern for a pending regulatory issue called Billed Party Preference. This regulation states that the person being billed for the call, (in this case the inmates attorney, family, friends, etc.) is the only one who can determine what telephone company handles the call. It is designed to eliminate the providing of collect calls by a single phone company, such as the current provider of our inmate phone system, which is most satisfactory.

Multiple phone companies that we are not contracted with, will be able to handle calls from our phone system, this will dramatically reduce our provider's ability to control calling from our jail. They will not be equipped to handle inmate calls and most likely may not be aware that the calls are coming from a correctional facility, resulting in fraud. Also it will reduce inmate phone commissions we now receive and our control of inmate calling will be lost.

We must not lose the following features our inmate phone system now provides.

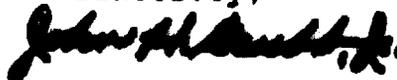
- A: Victim and witness harassment prevention.
- B: On site phone system supervision by facility personnel.
- C: Phone number blocking capability.
- D: Call duration capability.
- E: Inmate phone system commissions.
- F: Collect-only system capability.
- G: Reduced budgetary costs to not having to pay for

G: Reduced budgetary costs to not having to pay for inmate calls.

I strongly oppose the BPP and encourage you to do the same.

Every consideration you may give this most important matter will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Grubb". The signature is stylized and somewhat cursive.

John Grubb  
Sheriff

JG/rv



*The Office of the Sheriff*  
*Norfolk, Virginia*



July 27, 1994

ROBERT J. McCABE  
Sheriff

P. O. Box 2811  
Norfolk, VA 23501-2811  
(804) 441-2341

The Honorable John W. Warner  
United States Senator  
4900 World Trade Center  
Norfolk, VA 23510-1630

Re: Opposition to Billed Party Preference; CC Docket No. 92-77

Dear Senator Warner:

As the Sheriff of Norfolk which is the most populated urban jail in Virginia, I am opposed to the application of Billed Party Preference at inmate facilities.

I have analyzed the security my administration needs at the Norfolk City Jail and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship.

I cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. Billed Party Preference will take away our rights to coordinate inmate calls through a carrier who we know and trust. Instead inmate calls will be routed to a number of different carriers none of whom will have any obligations to us, and few that will be trained to handle inmate calls.

I am sensitive to the rates inmate families pay for calls. I fully appreciate the FCC's concerns if some sheriffs do not take responsibility for protecting inmate families from abusive rates. I do not agree with the FCC, however, that the solution for this lack of responsibility is Billed Party Preference. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let sheriffs force these rate ceilings through their contract.

I believe the overwhelming majority of sheriffs are committed to requiring rates that are fair and reasonable. In short, Billed Party Preference would take away my ability to employ important security and administrative measures that I have found to be necessary at the Norfolk City Jail, ultimately reducing inmate phone availability which in turn decreases the efficiency of my staff. I urge you not to adopt regulations that interfere with our administrative and security decisions - decisions that are clearly within our discretion in which we have a public responsibility to make. With kindest regards I remain,

Handwritten signature of Robert J. McCabe in cursive.  
Robert J. McCabe,  
Norfolk Sheriff

RJM/akgl

**Michelle B. Mitchell, Sheriff  
Richmond City Jail**



**1701 Fairfield Way  
Richmond, Virginia 23223**

July 25, 1994

**The Honorable John W. Warner  
1100 East Main Street  
Richmond, Virginia 23219**

**Dear Senator Warner:**

**Enclosed is a copy of my letter to Federal Communications Commission  
Chairman, Reed F. Hundt. In it I have outlined my objections to CC Docket  
No. 92-77, Billed Party Preference.**

**I would appreciate your support on this very crucial issue. A letter to Chairman  
Hundt from you would be very beneficial.**

**Sincerely,**

**Michelle B. Mitchell,  
Sheriff**

**Michelle B. Mitchell, Sheriff  
Richmond City Jail**



**1701 Fairfield Way  
Richmond, Virginia 23223**

July 25, 1994

**The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554**

**Re: CC Docket No 92-77 Opposition to Billed Party Preference**

**Dear Chairman Hundt:**

**After analyzing the security and administrative needs of our facility, we have found it necessary to route inmate calls through a single carrier. This carrier is equipped to handle inmate calls and a firm with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. Billed Party Preference (BPP) will take away our right to coordinate inmate calls through a carrier we know can provide the levels of security required by a correctional facility. Instead, inmate calls would be routed through any number of carriers, none of whom would be obligated to us, and few trained or equipped to handle inmate calls.**

**We have also found it necessary to install phone equipment that is specifically designed to handle inmate calls. This equipment helps enforce court restraining orders, prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints we are under, we cannot afford to provide inmate telephone equipment without the help of our inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. With BPP applied to inmate facilities, there will be no way for us to finance these phones, nor will there be any inmate phone service providers to assist us. Please try to imagine the dangerous conditions which would exist in our facility with 1,500 inmates who do not have access to telephones. The explosiveness of this situation is beyond description.**

**While some Sheriff's do not take responsibility for protecting inmate families from abusive rates, I can not be counted among them. Our current contract, at my insistence, specifically caps these rates for the sole purpose of protecting the families of inmates. BPP is not the solution for this lack of responsibility by a few. Rate ceilings do work and are the correct vehicle for fair and reasonable rates.**

In short, BPP would take away our ability to employ important security and administrative measures which we find necessary at our facility and would drastically reduce inmate phone availability. I urge you to **REJECT** regulations which interfere with our administrative and security decisions. Decisions, for which I have a public responsibility to make.

Sincerely,



Michelle B. Mitchell  
Sheriff

cc: The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Rachelle B. Chong  
The Honorable Susan Ness