



**NORTHERN NECK REGIONAL JAIL**  
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Superintendent

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Vivian A. Moore  
Director of Community Based  
Probation & Offender Reentry

Amy J. Dameron  
Director of Finance

Re: Rates for Interstate Inmate Calling Services, WC Docket No. 12-375

Dear Ms. Dortch,

On August 13th, the Virginia Association of Regional Jails (VARJ) visited with FCC staff, to discuss the FCC's projected timeline concerning their ICS rule, additional information the FCC would like to review, as well as better understand the FCC's decision regarding implementation of the rule.

The Virginia Association of Regional Jails (VARJ), a professional association comprised of 23 regional jails, serving half of Virginia's political jurisdictions. Attendees included VARJ President Superintendent Tim Doss, VARJ First Vice President Superintendent Bobby Russell, VARJ Legislative Chairman Superintendent Ted Hull and VARJ Legislative Committee Member Superintendent Jeffery Newton, and Nile Elam, AJA's Washington DC contact. Within the FCC, Kalpak Gude and Lynne Engledow from the Wireline Competition Bureau participated.

To begin, VARJ attendees emphasized the differences between their facilities and prisons, especially budgets and populations. VARJ's members follow balanced budgets each fiscal year, which should be carefully considered whenever the FCC releases their proposed intrastate rule.

Further, while jails in Virginia house both pre-trial and convicted offenders, VARJ's the average length of incarceration in those jails is less than 90 days. The term of which is significantly less than the term served in the Department of Corrections.

The bulk of the meeting focused on four (4) primary concerns shared across Virginia's regional jails:

1. Revenue Share – While there is no generalized opposition to rate reform, there is considerable concern about regional jail's ability to accrue revenue share (commissions) as a result of FCC action. The VARJ attendees asked the Wireline Committee about the feasibility of the FCC establishing a rate schedule it deems appropriate and allowing facilities to negotiate their "best" financial arrangements with ICS providers. The FCC responded negatively, advising that the FCC regards the current system of inmate phone contract award as "broken" and that they intend to create a system where the only criteria for contract award would be the lowest possible rates provided to inmates and inmate families. Any other consideration or incentive would prevent the "market" from operating correctly and should/would be prohibited.
2. Cost Recovery – As law enforcement depends heavily on the ability to monitor and retrieve calls, aggregate data, conduct investigations and recognizing the inherent expense associated with utilizing these technologies, VARJ attendees asked the FCC to establish liberal guidelines associated with cost recovery within the rules the FCC is seeking to establish. To wit, the FCC would like to have more information if these costs are direct or indirect? The FCC asked: Is it the responsibility of law enforcement or ICS systems to provide and track such information? Who should be responsible for such costs? Should inmate families assume responsibility for these costs via the calling rates they pay, or should taxpayers assume these cost through local law? The FCC encouraged VARJ to provide additional information to the FCC so that their staff could better understand where costs are incurred.
3. Timing - VARJ attendees explained that jails operate on a more restricted and balanced budget versus prisons, and that planning has already begun for the next fiscal year; revenue has already been allocated, operational and capital expenditures had already been budgeted and authorized. It would be extremely damaging to local government if rates were suddenly imposed, restricting facilities from generating revenue from inmate phone calls, without any transition period.
4. If jail budgets have minimal time to adjust other local government programs in and out of the facilities would have to be minimized or removed altogether without notice. VARJ does not oppose rate reform, however, the jails they represent throughout Virginia are sensitive to the prospects of incorporating new intrastate rates without ample time to reconsider their budgets and manage their

5. resources appropriately. The FCC staff explained that they are currently reviewing all options, and understand the fragile budgetary process jails must follow each year.

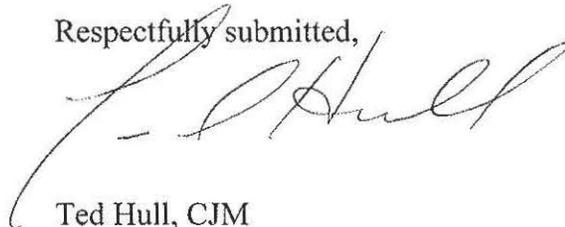
Ideas have been presented regarding “grandfathering” current contracts, or slowly ramping up cap rates once contracts are renewed, along with other strategies, all of which the FCC will consider. The FCC staff advised that while a decision has yet to be made, appreciates VARJ’s input and will consider these concerns; the FCC advised this process had been going on for some time and consideration of extended transition periods might encounter considerable resistance.

6. Un-intended Consequences – VARJ attendees shared with the FCC staff their concerns for the un-intended consequences associated with the imposition of rate reform and revenue share prohibition.

- a. Specifically, that the only two stakeholders who will suffer negative consequences from FCC action will be local government and the inmates. Inmate programs will most likely be reduced or abolished and some jails might remove inmate phones entirely.
- b. Additionally, ICS providers have the potential to reap substantial financial gain.
- c. The FCC advised that they understood those risks and hope that those decisions would not be made.

This was the Virginia Association of Regional Jails first interaction with the FCC and they share the FCC’s commitment to fair and equitable rates. They seek to partner with the FCC on this issue and their visit was extremely valuable and informative.

Respectfully submitted,



Ted Hull, CJM  
Superintendent, Northern Neck Regional Jail  
Chairman, Legislative Committee, VARJ