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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

RE: WC Docket No. 12-375 (Rates for Interstate Inmate Calling Services)

Dear Madam Secretary:

On behalf of the American Jail Association, we write today to offer AJA's comments on the Second Further Notice of Proposed Rulemaking adopted by the Federal Communications Commission on December 17, 2014 ("Order").

The American Jail Association (AJA) is a professional, nonprofit membership organization representing more than 6,400 Jail Administrators and corrections professionals in the United States. Our mission is to focus solely on Jails and the men and women who operate them. We fulfill our mission through workshops and seminars aimed at Jail operations and management; an annual conference and exposition; a weekly electronic newsletter; and the publishing of *American Jails* magazine, which is distributed to every Jail in the nation. AJA is the only organization that reaches every Jail in the United States.

Throughout the course of the past 24 months, AJA Leadership and Staff have examined the issue of fair, just, and reasonable rates for interstate Inmate Calling Services (ICS). We have been proactive in our approach by:

- Gathering data from the field and sharing it with the FCC.
- Meeting with the FCC Commissioners and/or their staffs.
- Inviting an FCC representative to address AJA Leadership and Jail Administrators.
- Sponsoring an electronic Town Meeting on the topic attended by Jail Administrators from all parts of the United States.
- Providing panelists for the two workshops held by the FCC on the topic.
- And encouraging a dialogue among and with various Jail Administrators and other corrections field stakeholders

As such, in August of 2014, the AJA Board of Directors adopted a resolution entitled: "Just, Reasonable, and Fair Rates for Inmate Calling Services (ICS)." In formulating the resolution, AJA recognizes:

- The use of ICS is a key component of Jails providing a safe environment for both the inmate population and correctional staff.
 - Access to communications between inmates and their families is an effective tool in reducing the effects of prolonged separation.
 - In its current state, these services provide intelligence to the law enforcement
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community to solve crimes, reduce contraband, monitor gang activity, and prevent illegal contact with victims and witnesses, while keeping the community safe from unwanted harassment.

- The tools that provide law enforcement with the necessary intelligence and monitoring capabilities to protect the public, as well as the jail environment, have a cost associated with them.

Our organization resolved that: “the American Jail Association support efforts to ensure just, reasonable, and fair calling rates for all parties that can attract and sustain quality inmate calling services in our Nation’s jails.”

While AJA supports just, reasonable and fair rates, the FCC must assure that those rates are just, fair, and reasonable for all parties, including Jails. Rates and rules set without taking into account the complexity of ICS will seriously jeopardize Jail Administrators’ ability to manage the Inmate Telephone Services in their facilities. This will result in safety and security issues for Jail staff, inmates, and the general public.

Sheriffs and Jail Administrators have gone on record noting that a key component of ICS, is the ability to monitor telephone conversations between inmates and the general public. It has been shown that this is a valuable law enforcement tool and has resulted in numerous cases where lives have been saved as a result of investigations stemming from that monitoring.

The FCC must take into consideration the unique costs associated with ICS systems and that a one-size-fits-all approach to setting rates is not in the best interests of Jails, inmates, or their families. For example, equipment must be detention grade, which costs more to acquire, install, and maintain than conventional telephone systems do. Service life is shorter and, as mentioned above, there are built-in features that assist law enforcement in protecting the public. Furthermore, there are additional costs associated with the implementation of ICS, such as personnel monitoring telephone calls. ICS is not only for the convenience of the inmate and his or her family, but it is an important and necessary tool in inmate behavior management, crime prevention and investigation, and in keeping facilities and the general public safe and secure.

Jail Administrators and corrections officers work diligently to provide a safe environment for the staff and inmate population. We believe that each facility is a part of the local community, and as a result, each facility does whatever it can to ease an inmate’s transition from incarceration to productive member of society. This has included the availability of telephone systems in the Jail.

Thus, phone services have a direct impact on this belief and our desire to improve a Jail’s environment for employees and inmates alike. The American Jail Association represents thousands of Jails in all 50 States, with each facility operating a unique budget, inmate population, and geographic footprint. These variables present considerable difference between Jails and prisons. Unlike State and Federal prisons, Jails must cope with stringent local jurisdiction budgetary concerns. Jails must operate a balanced budget each year, providing essential services first, and then expanding additional services benefiting inmates, including the overhead costs associated with ICS. The interim interstate rate caps in place currently, and the withholding of revenue to Jails by ICS providers, has put undue financial pressure on many facilities. This is a financial burden that Jail Administrators were unable to plan for.

As we have pointed out before, the turnover rate for Jails is significantly higher than that for prisons. Smaller Jails are forced to raise rates in order to provide phone services to an

ever-changing inmate population. A Jail's population evolves hourly, while a prison's population is much more consistent over a longer period of time. This is a significant distinction because calls within Jails are typically local, whereas prisons experience a higher rate of interstate calls, meaning the new rate caps between the two facilities offer different outcomes.

In the past 24 months, there have been hundreds of comments on the proposed rules and rates from Jail Administrators, sheriffs, and other stakeholders connected to the local corrections field. As an industry organization, AJA supports the comments of those Jail operators and urges the FCC to consider the unique needs of Jail operators in the United States as it considers setting permanent rates and fees on Interstate and Intrastate ICS.

AJA encourages the FCC to consider setting rates that take into account:

- The demographic of Jail facilities, including size of facility, staffing, and geography.
- Rates that differentiate between Jails and prisons.
- Rates that support cost recovery for ICS-related costs, such as personnel, monitoring calls, etc.
- A phased in revenue and rate recovery period to allow for local jurisdictions to make the necessary financial adjustments.

AJA supports fair and just ICS calling rates for all stakeholders. We urge the Commission's office to continue to work with AJA and its members towards finding a resolution that allows phone services to continue for the benefit of the facility, the benefit of the inmate and their family, and the benefit of the general public.

Sincerely,



Robert J. Kasabian, MBA
Executive Director