



**IMPERIAL COUNTY SHERIFF'S OFFICE**

**RAYMOND LOERA**  
SHERIFF • CORONER • MARSHAL



December 30, 2014

Received & Inspected

JAN 12 2015

FCC Mall Room

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Room TW-1325  
Washington, DC 20554

**DOCKET FILE COPY ORIGINAL**

**Re: Comment on Rate for Interstate Inmate Calling Services (WC Docket No. 12-375)**

Secretary Dortch:

As the Sheriff of Imperial County, I write to you on behalf of our community regarding inmate calling services (ICS). Imperial County is approximately 4,482 square miles consisting mostly of desert in the southernmost part of California. The agency is bordered by Arizona and Mexico, with a population of 176,584. Unfortunately, we are also rated as one of the highest unemployed counties in the United States. Considering the county's high unemployment rate, I am requesting and implore the Commission to consider the impact of changing inmate phone services.

To my understanding, FCC is concerned with "just and reasonable" rates. Imperial County Sheriff's Office (ICSO) takes a cautious approach to just and reasonable rates for all pricing, from purchasing copies of reports to phone commissions. High prices may exempt family members or inmates of this county to partake in certain correspondence that may be detrimental to the success of rehabilitation done through opportunistic communication. The Corrections Bureau works closely with the phone provider by eliminating any unnecessary charges or exorbitant pricing.

ICSO currently has the opportunity in providing evidence based rehabilitative programs to inmates in custody. We have recently partnered with the local college to provide the first ever run "Inside/Out" program that allows inmate (inside students) to take college level courses with the community (outside students). Without phone revenues, this program would not be possible.

California Sheriffs' are regulated on the use of any monies generated from ICS revenues. CA Penal Code section 4025 (see attachment A) mandates that any revenues generated by inmate telephone and commissary revenues be deposited directly to the IWT account and those monies

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can only be used to directly benefit an inmate. Similar mandates may not be in effect in other states, but it is a means to prevent monies spent inappropriately and not on rehabilitative efforts.

Providing phone service to inmates requires staff to transport an inmate to the phone and transport them back to his or her housing unit. Escorting inmates to obtain access to the phone is staff intensive, especially for inmates within the restrictive housing units.

Part of the security measures taken by the staff is to monitor phone calls for community and facility safety reassurance. In the last year, phone monitoring has diverted access to illicit drugs in our facility on multiple occasions. On a daily basis, staff monitors phone calls and many of those calls are coordinating drug drop-offs between the inmates and their friends or family members or people intentionally coordinating an arrest to bring in and deliver illegal substances. Gang and drug cartel activity penetrates into a jail facility necessitating effective and efficient forms of communication. It is estimated that monitoring, detecting, and following-up account for 25% of the workload for one full-time Correctional Officer assigned to the Classification Unit. This does not include any patrol response that may be required. On a regular basis, the Sheriff's Office has assisted the Department of Homeland Security in thwarting cases of mass manufacturing, sales and transportation of illegal substances. Call monitoring often assists local law enforcement in witness intimidation cases and in providing evidence to secure a conviction.

Monitoring outbound calls is a necessary part of our job to enhance facility and community safety, but it requires an extensive amount of staff-time. If FCC insists on eliminating revenues for the inmate calling services, I urge the Commission to provide an avenue for Sheriff Offices to recoup expenses to continue to run a properly monitored ICS. The costs include the following: staff-time for inmate movement; staff-time to provide technicians access for repairs; staff-time for monitoring calls; and staff-time to process billings/phone cards, etc. Table 1 illustrates an average monthly breakdown of operational expenses for inmate calling services. It should be noted that eliminating commissions to the IWT puts all revenue in the pocket of the vendor, making modifications for "just and reasonable" costs a financial gain to private industry with zero benefits to the inmates or their families.

**Table 1**

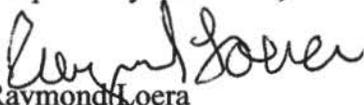
IMPERIAL COUNTY SHERIFF'S OFFICE Operational Expenses for Inmate Calling Services				
TOTAL MONTHLY ESTIMATED COST	MONTHLY AVERAGE MINUTES OF USE	TOTAL ANNUAL ESTIMATED COST	ANNUAL AVERAGE MINUTES OF USE	PER MINUTE COST REIMBURSEMENT
\$17,916.60	53,000	\$214,999.20	636,000	\$0.34

In 2011, Governor Brown signed Assembly Bill 109 placing prisoner realignment into effect in California. County jails are now home to low-level prison terms and tasked with reducing recidivism through rehabilitation. AB 109 increased the demand and caused a sense of urgency in offender programming. Imperial County is working diligently in meeting the Governor's new

direction and relies on funds from IWT to meet this mandate. Part of our target is focusing on reintegration into the community as a necessary link in the chain of reducing recidivism. Imperial County is currently offering case management and discharge planning services to assist the inmates into a successful reintegration. Changing the current ICS revenue will likely eliminate such offered programs and services. Imperial County does not have the financial budget to subsidize any programming or benefits currently provided to the inmates with ICS revenue dollars. If the FCC eliminates revenues to the Inmate Welfare Trust account, many of our programs will be aborted because of the lack of funding. You will find in attachment B a list of staff members and the amount of time spent on ICS. Attachment C is a spreadsheet that reflects the staff members who are paid by the IWT.

I urge the Commission to hear the pleas and requests from the Sheriffs' across the United States and consider the potential impact on reducing recidivism, jail facilities, and inmates when changes are determined. Please do not hesitate to contact me for further information or questions you may have at (760) 339-6303. Thank you for your time and consideration.

Respectfully submitted,

  
Raymond Loera  
Sheriff/Coroner/Marshal

Enclosures: (3)  
RL:jc/om

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# CAL. PEN. CODE § 4025 : California Code - Section 4025

## Search CAL. PEN. CODE § 4025 : California Code - Section 4025

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(a) The sheriff of each county may establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and sell these goods, articles, and supplies for cash to inmates in the jail.

(b) The sale prices of the articles offered for sale at the store shall be fixed by the sheriff. Any profit shall be deposited in an inmate welfare fund to be kept in the treasury of the county.

(c) There shall also be deposited in the inmate welfare fund 10 percent of all gross sales of inmate hobbycraft.

(d) There shall be deposited in the inmate welfare fund any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated.

(e) The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to

be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors.

(f) The operation of a store within any other county adult detention facility which is not under the jurisdiction of the sheriff shall be governed by the provisions of this section, except that the board of supervisors shall designate the proper county official to exercise the duties otherwise allocated in this section to the sheriff.

(g) The operation of a store within any city adult detention facility shall be governed by the provisions of this section, except that city officials shall assume the respective duties otherwise outlined in this section for county officials.

(h) The treasurer may, pursuant to Article 1 (commencing with Section 53600), or Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, deposit, invest, or reinvest any part of the inmate welfare fund, in excess of that which the treasurer deems necessary for immediate use. The interest or increment accruing on these funds shall be deposited in the inmate welfare fund.

(i) The sheriff may expend money from the inmate welfare fund to provide indigent inmates, prior to release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, with essential clothing and transportation expenses within the county or, at the discretion of the sheriff, transportation to the inmate's county of residence, if the county is within the state or within 500 miles from the county of incarceration. This subdivision does not authorize expenditure of money from the inmate welfare fund for the transfer of any inmate to the custody of any other law enforcement official or jurisdiction.

- See more at:

<http://codes.lp.findlaw.com/cacode/PEN/3/3/4/1/s4025#sthash.ZxMtDk49.dpuf>

Employee	Position/Title & (Wage)	Phone #	Total Hours		
			Week	Month	Year
<u>Christina Alvarado</u>	Storekeeper (\$15.00 /hr)	(760) 339-6410	16.25	65.00	780
<u>Tony Alvarez</u>	Correctional Sergeant (\$28.00 /hr)	(760) 339-6381	14.00	56.00	672
<u>Maria Armenta</u>	Account Clerk II (\$15.00 /hr)	(760) 339-6518	0.50	2.00	24
<u>Chance Armstrong</u>	Correctional Officer (K-9 Handler) (\$20.39)	(760) 339-6381	37.00	148.00	1,776
<u>Olivia Burgos</u>	Account Clerk III (\$16.00 /hr)	(760) 339-6419	1.00	4.00	48
<u>Justin Burk</u>	Correctional Clerk (\$14.81 /hr)	(760) 339-6409	25.00	100.00	1,200
<u>Jose Coronado</u>	Correctional Sergeant (\$27.20 /hr)	(760) 339-6382	17.50	70.00	840
<u>Robert Cortez</u>	Correctional Lieutenant (\$33.00 /hr)	(760) 339-6387	-	-	-
<u>Melissa Espinoza</u>	Commissary Clerk (\$14.50 /hr)	(760) 339-6299	2.50	70.00	840
<u>Luis Estrada</u>	Correctional Corporal (\$24.00 /hr)	(760) 339-6381	21.00	84.00	1,008
<u>Juan Galindo</u>	Correctional Corporal (\$23.00 /hr)	(760) 339-6258	6.00	24.00	288
<u>William Hall</u>	Correctional Sergeant (\$28.00 /hr)	(760) 339-6257	6.00	24.00	288
<u>Theresa Harris</u>	Correctional Clerk (\$15.70 /hr)	(760) 339-6367	2.50	10.00	120
<u>Michael Hodges</u>	Correctional Officer (\$23.61 /hr)	(760) 339-6564	-	-	23
<u>Frances Jauregui</u>	Account Clerk II (\$15.00 /hr)	(760) 339-6517	0.50	2.00	24
<u>Josue Lopez</u>	Correctional Officer (\$19.46 /hr)	(760) 339-6377	-	-	-
<u>Richard Lopez</u>	Correctional Sergeant (\$28.70 /hr)	(760) 339-6388	3.00	12.00	144
<u>Omar Luna</u>	Correctional Officer (\$22.00 /hr)	(760) 339-6381	5.00	20.00	240
<u>Rita Nakadaira</u>	Account Clerk III (\$15.89 /hr)	(760) 339-6375	5.00	20.00	240
<u>Robert Nunez</u>	Correctional Officer (\$23.00 /hr)	(760) 339-6381	-	-	-
<u>Scott Schmidt</u>	Fiscal Manager (\$33.00 /hr)	(760) 339-6336	0.50	2.00	24
<u>Colby Stewart</u>	Correctional Sergeant (\$28.00 /hr)	(760) 339-6382	-	-	23
<u>Efrain Tanori</u>	Correctional Sergeant (\$38.00 /hr)	(760) 339-6682	-	-	-
<u>David Tirado</u>	Correctional Lieutenant (\$33.00 /hr)	(760) 339-6690	-	-	-
<u>Brenda Vera</u>	Commissary Clerk (\$14.50 /hr)	(760) 339-6354	2.50	10.00	120
<u>Carolina Virgen</u>	Account Clerk III (\$16.00 /hr)	(760) 339-6337	0.50	2.00	24
<u>James Vooris</u>	Correctional Corporal (\$23.44 /hr)	(760) 339-6382	28.00	112.00	1,344

2014-2015 SHERIFF-CORONER SALARIES AND BENEFITS:

Division: INMATE WELFARE TRUST

12/24/2014

Job Class	Retirement	Medicare	Health	Dental	Range&Step	Hrly Rate	Annual Amt 2080 Hrs	Jan-Dec 1
Robert Wilson (100%)	Safety	Yes	\$10,386.22	\$1,186.64	282 F	\$28.70000	\$59,696.00	\$59,696.00
Name	Safety	Yes	\$10,386.22	\$1,186.64			\$0.00	\$0.00
Name	Safety	Yes	\$10,386.22	\$1,186.64			\$0.00	\$0.00
Safety Sub-Total								\$59,696.00
Melissa Espinosa (100%)	General	Yes	\$10,386.22	\$1,186.64	155 E	\$14.92000	\$31,033.60	\$31,033.60
Brenda Vera (100%)	General	Yes	\$10,386.22	\$1,186.64	155 F	\$15.67000	\$32,593.60	\$32,593.60
Cassandra Nelson (100%)	General	Yes	\$10,386.22	\$1,186.64	195 A	\$14.13000	\$29,390.40	\$29,390.40
Kevin Richmond (50%)	General	Yes	\$10,386.22	\$1,186.64		\$18.56000	\$38,604.80	\$19,302.40
Cristina Alvarado (50%)	General	Yes	\$10,386.22	\$1,186.64		\$16.20000	\$33,696.00	\$16,848.00
General Sub-Total								\$129,168.00
Total Salary								\$188,864.00

COSTS	ACCT #	%	AMOUNT	RATES	
				Before 2013	
Total Salaries	501000		\$188,864.00	#	#
Medicare:1.45%	501150	0.0145	\$2,738.53	0.0145	0.0145
Safe Retirement:XX.XX%	502000	0.2335	\$13,939.02	<b>0.2335</b>	
Gen Retirement:XX.XX%	502000	0.172	\$22,216.90	<b>0.172</b>	
Health:\$10,386.22	502015	10386.2	\$51,931.10	\$ 10,386.22	\$ 10,386.22
Dental:\$1,186.34	502020	1186.34	\$5,931.70	\$ 1,186.64	\$ 1,186.64
Saf Ret Bnd:5.41%	502040	0.0541	\$3,229.55	0.0541	0.0541
Gen Ret Bnd:6.81%	502040	0.0681	\$8,796.34	0.0681	0.0681
Saf Ret Hlth Plan:6.32%	502045	0.0632	\$3,772.79	0.0632	0.0632
Gen Ret Hlth Plan:6.32%	502045	0.0632	\$8,163.42	0.0632	0.0632
Uniform Allowance	513005	1000	\$2,000.00		
<b>TOTAL COST</b>			<b>\$311,583.34</b>		