

DOCKET FILE COPY ORIGINAL



Received & Inspected

OCT 20 2015

FCC Mail Room

Officers

- President*
Martin Ryan
Sheriff, Amador County
- 1st Vice President*
Donny Youngblood
Sheriff, Kern County
- 2nd Vice President*
Bill Brown
Sheriff, Santa Barbara County
- Secretary*
Steve Moore
Sheriff, San Joaquin County
- Treasurer*
David Livingston
Sheriff, Contra Costa County
- Sergeant-at-Arms*
David Robinson
Sheriff, Kings County
- Immediate Past President*
Adam Christianson
Sheriff, Stanislaus County

Directors

- Tom Allman
Sheriff, Mendocino County
- Tom Bosenko
Sheriff, Shasta County
- Geoff Dean
Sheriff, Ventura County
- Mike Downey
Sheriff, Humboldt County
- Steve Durfor
Sheriff, Yuba County
- Tom Ferrara
Sheriff, Solano County
- Steve Freitas
Sheriff, Sonoma County
- Dean Growdon
Sheriff, Lassen County
- Sandra Hutchens
Sheriff, Orange County
- Margaret Mims
Sheriff, Fresno County
- Ian Parkinson
Sheriff, San Luis Obispo County
- Ed Prieto
Sheriff, Yolo County

Presidents' Counsel

- Gregory J. Ahern
Sheriff, Alameda County
- Ed Bonner
Sheriff, Placer County
- Robert Doyle
Sheriff, Marin County
- Keith Royal
Sheriff, Nevada County
- Laurie Smith
Sheriff, Santa Clara County
- M. Carmen Green
Executive Director
- Nick Warner
Policy Director
- Martin J. Mayer
General Counsel

California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

October 14, 2015

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

EX PARTE OR LATE FILED

**Re: Written Ex Parte Communication
WC Docket No. 12-375; Inmate Calling Services**

Dear Ms. Dortch:

The California State Sheriffs' Association (CSSA) hereby files an *ex parte* communication in connection with the above-referenced proceeding. Specifically, we would associate our comments with those made by the National Sheriffs' Association (NSA) and provide our own comment related to cost recovery for services provided by correctional facilities in connection with inmate calling services (ICS) and the need for a reasonable time period (at least two years) in which to phase in ICS reforms.

Let me begin by noting with appreciation the Commission's change in course in not banning the payment of site commissions. As we have previously stated, California law requires payments made by ICS providers to be deposited in a facility's inmate welfare fund (IWF), which clearly benefits inmates and their chances at rehabilitation. Eliminating commissions would have had devastating impacts on inmates and their outcomes as approximately \$50 million that funds treatment, rehabilitation, educational, vocational, and recreational programs statewide would have likely been lost. The IWFs in many, if not most, California counties get a majority of their funds from ICS payments. The benefits to inmates that are provided by IWF-funded programs, classes, and resources are likely to dry up, as it appears highly unlikely that state and county governments will be able to backfill these eliminated revenues.

That said, California's sheriffs remain concerned that the proposed rate caps scheduled to be considered at the Commission's October 22 meeting will not provide enough revenue to cover ICS provider costs, ensure adequate facility cost recovery, and allow for appropriate revenue sharing whether through site commissions or some other mechanism.

Though ICS providers indicated what rates could reasonably cover their costs and provide for their profit, it seems unlikely that the Commission's proposed rates provide enough margin to pay for all of the things that go into providing ICS to inmates in a safe and effective manner. While ICS providers may undertake some work in connection with call security and system maintenance, sheriff and jail personnel are largely responsible for monitoring calls and providing security for the ICS employees that physically work in the jails. Additionally, there is significant administrative time spent by sheriff personnel in coordinating and overseeing the provision of ICS to inmates. Sheriffs must be able to recover the costs that are associated with providing ICS and it is unclear that the Commission's proposed rates will permit that in practice.

No. of Copies rec'd 0
List ABCDE

October 14, 2015

Page 2 ---

Additionally, and as noted above, while the order does not ban the payment of site commissions, it only allows such payments to be made if they fit within the rate caps. It seems unlikely, certainly in the short-term, that the new rate caps, while tiered, will allow for providers and facilities to recover their costs, allow providers to make a reasonable profit, and still create enough revenue to continue sharing needed funds with facilities. In this regard, we fear that the Commission's course change to not eliminate but discourage site commissions is, in reality, a hollow gesture that could nevertheless result in devastating impacts on inmates.

Finally, we recognize that the Commission has provided a 90-day delay in implementation from the date of the order, but we respectfully note that this is not nearly enough time to make such sweeping changes. Jail budgets across the state for fiscal year 2015-16 have been in place for months. If the realities of the ICS reforms proposed by the Commission materialize as we suspect, IWFs in jails across the state will be in immediate deficit at the direct expense of inmates – the very people the Commission is seeking to assist. Additionally, contracts will have to be renegotiated and physical changes to ICS systems may be required in order to comply with the Commission's actions. We respectfully request the Commission create a meaningful phase-in period of at least two years after the effective date of the order so that providers, facilities, and inmates may appropriately adjust to the sea change being proposed by the Commission.

Again, we appreciate the Commission's course change from the original Second Proposed Rulemaking in regards to site commissions and a unitary rate. That said, we remain concerned that the current proposal may not allow for adequate cost recovery, will likely reduce site commissions, and will take effect too quickly to allow parties to prepare for the massive changes proposed. Please contact me or CSSA should have you questions.

Respectfully submitted,



Martin Ryan, CSSA President
Sheriff, Amador County

MR/cmc

cc: The Honorable Dianne Feinstein, United States Senator
The Honorable Barbara Boxer, United States Senator
California Congressional Delegation
All California Sheriffs
Carmen Green, CSSA Chief Operations Officer
Martin Mayer, CSSA General Counsel
Nick Warner, CSSA Policy Director
Cory Salzillo, CSSA Legislative Director
Aaron Maguire, CSSA Legislative Counsel / Representative
National Sheriffs' Association