



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



January 15, 2016

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

Dear Ms. Dortch:

RE: WC DOCKET NO. 12-375

The Los Angeles County Sheriff's Department (LASD) welcomes the opportunity to provide comment on the recent Third Further Notice of Proposed Rulemaking (Third Further Notice) as it relates to promoting competition for Inmate Calling Services (ICS), video visitation, rates for international calls, and other areas of concern in the ICS industry.

The LASD serves Los Angeles County, California -- an area totaling approximately 4,084 square miles with a population of almost 10 million people (2010 U.S. Census). It is the largest Sheriff's Department in the world and is responsible for securing approximately 18,000 inmates daily in seven custody facilities which includes providing food, medical treatment, educational classes, and vocational training.

On November 5, 2015, the Federal Communications Commission released a Third Notice of Proposed Rulemaking and requested comment on whether using multiple ICS providers for one agency would promote competition within the ICS market to enable the Commission to sunset or eliminate adopted regulations. The seven custody facilities are spread out over a large geographic area, and they do not use multiple ICS providers.

The LASD supports competition to obtain reasonable rates for our inmate population and fair compensation for our ICS provider, but we do not support banning exclusive ICS contracts and requiring multiple providers at facilities to encourage greater competition. Multiple providers would have difficulty

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providing necessary infrastructure and personnel to keep our ICS services operating with consistency 24/7, 365 days per year due to the size of our inmate population and our security requirements. Each ICS provider has their own infrastructure, personnel and procedures, which would require hundreds of LASD and other law enforcement personnel inside and outside of the custody environment to be trained on multiple systems. Multiple providers deployed at seven different custody facilities would create training and validation issues for information delivered in a variety of formats that are needed for investigative and judicial purposes. Allowing multiple providers access to sensitive information would also create more security concerns. Many private companies that provide services inside our custody facilities have difficulty finding employees who can pass an intensive background check.

We support competition through a process that requires "Requests for Proposals" (RFP) from prospective vendors for most county-contracted services. If multiple providers were added to multiple custody facilities in Los Angeles County, an RFP process would be required for each contracted service and the process currently takes more than two years to complete. This would be extremely expensive and an administrative nightmare due to the man-power used for each RFP. Decisions of the RFP for an exclusive ICS contract are not based upon the highest commissions paid, but rather by a provider's ability to deliver good service, infrastructure, and technology at a reasonable cost that benefits the inmate population, the citizens of Los Angeles County, and LASD.

The Commission has asked for comments related to video calling and other advanced communications services. The LASD does not believe the Commission should be regulating video visitation, especially intra-institution visitation as it does not meet the definition of ICS and neither does inmate email. These non-mandated services offer inmates, families and friends a convenient opportunity to have frequent contact beyond traditional ICS and mail. There are costs associated with these services and LASD must be allowed a revenue generating mechanism to pay for startup costs, maintenance, and security. The LASD has funded an Inmate Data Network (IDN) with a projected completion date of late 2016. The IDN's objective is to improve LASD's performance, efficiency, and security of all related inmate custody systems that may include an Inmate Video Visitation System (IVVS), iPads, inmate e-mail, and video conferencing for inmate related services and programs.

The LASD began implementing its IVVS at custody facilities in April 2012 through a contracted private company (Renovo) that was later purchased by ICS provider Global Tel Link (GTL). This is not a bundled service and bundled services are generally prohibited by Los Angeles County. Currently, there are 40 video units

deployed throughout LASD, and we will be adding an additional 35 units. Since April 2012, the IVVS has registered more than 327,000 public visitors and 9,300 professional visitors. The number of registered visits has totaled more than 825,000. These are intra-institution video visits that require visitors go to a video unit at an LASD facility to conduct an IVVS visit. Currently, there is no charge for this service while it is being implemented and tested.

The LASD plans to expand the IVVS and include remote visitation. This would provide the public and professional community with remote video conferencing and expand visiting hours and days beyond what is permitted now (Inmates currently get two 30-minute sessions per week). This convenient service will save visitors an average of \$35 for parking fees, sustenance, and transportation costs to the jails. The IVVS provides multiple security benefits that include less inmate movement inside facilities and increases safety for the inmate population and staff. When the families and friends of 18,000 inmates visit Los Angeles County facilities, it creates many security concerns for visitors and staff. An IVVS increases security by reducing the number of onsite visitors who congregate at facilities. It lessens the need for monitoring by security personnel and improves the environmental impact on facilities and the surrounding areas. Additionally, some inmates are transferred from Los Angeles County facilities in downtown Los Angeles to north county custody facilities to relieve overcrowding, and they become disruptive to prevent their transfers. This occurs because their families or friends are less likely to drive more than 40 miles one-way for a 30-60 minute visit. We believe the IVVS will help curtail these types of incidents.

The LASD does not have an inmate email system, but is constructing an RFP to assist in identifying a vendor that can offer a system that will benefit inmates and the LASD at a reasonable cost. The goal is to improve inmate communications with families and friends and reduce contraband brought into our facilities through standard mail.

An IVVS and inmate email system will benefit inmates and the LASD, but costs for infrastructure and security to operate a system used by 18,000 inmates, families, and friends are significant. The estimated startup cost for the LASD's IDN is \$2.75 million. The LASD believes the infrastructure, security, and operational costs for these types of technologies will exceed the Commission's proposed rate caps of \$0.14 per minute that were mandated for inmate phone calls. In Los Angeles County, any fees or revenue generated through the operation of an IVVS or inmate email system would be deposited into the LASD Inmate Welfare Fund as required by California Penal Code Section 4025. The statute mandates an Inmate Welfare Fund be used to pay for crucial educational, vocational, recreational, and rehabilitative resources and programs like an IVVS and inmate

email system. We believe providing inmates advanced technological services and meaningful educational and vocational programs will help reduce recidivism. However, we have profound concerns about our ability to support these services and programs if revenue sharing agreement fees are reduced, eliminated, or rates are capped to a point where they do not cover operational costs. Without adequate funding, we will be forced to reduce or eliminate these services and inmates will be limited to standard ICS services and the U.S. postal service.

The Commission asked for comments regarding video visitation for inmates who are deaf or hard of hearing. The LASD currently uses Purple Communications Inc., for American Sign Language users. They require high speed internet with recommended download/upload speeds of at least 256 kbps. The service is available 24/7, 365 days per year and can be recorded. LASD currently has two Video Relay Service (VRS) units available for 22 voice/hearing impaired inmates housed in our jails. Purple Communications has provided their software to LASD at no-cost. The cost incurred by LASD involved implementing the necessary infrastructure and personnel associated with VRS.

The Commission asked for comment regarding a requirement for all ICS providers to submit ICS cost, calling, company, and contract information as well as facility revenue, ancillary fee, and advanced service information because of concerns about transparency. The LASD's contracts are documents approved by the Los Angeles County Board of Supervisors and transparency is not an issue. The information is available to the public, and our ICS contract requires the vendor to comply with FCC rulings at all times.

The Commission asked for comment on International Calling Rates, inmate access, and rates. From November 1, 2014, to October 31, 2015, the LASD had the following international inmate phone calls:

	<u>Total Calls</u>	<u>Total Minutes</u>
International Overseas	12,467	106,919
Canada	2,643	40,404
Non-US Caribbean	498	2,084
US Territories	470	3,963

International calls represent 0.25 percent of annual calls made by inmates at Los Angeles County facilities. Inmates have access to phones 24/7, 365 days per year and can make international calls. The International Overseas category includes Mexico, which shares its border with California and would likely receive the greatest volume of calls. A 15-minute phone call to Mexico costs \$8.00; Canada, \$5.00; and the highest rates are charged for calls to European and Asian

countries at \$19.25. Additionally, any foreign national is permitted to call their consulate upon request when they are arrested.

The Commission asked for comment regarding Third Party Transaction fees. The LASD does not use third parties for payment processing in its ICS functions.

The LASD's competitive phone rates provide inmates a reasonable means for maintaining communication with their families and adding multiple vendors will not improve this situation. However, adding advanced technologies such as IVVS and an inmate email system will enhance communication with families, improve safety, and help reduce recidivism. Revenue contracts are a crucial funding source that support services like these and sorely needed rehabilitation programs. No two facilities are alike and any action by the FCC should acknowledge this inherent challenge.

Should you have any questions, please contact Chief David L. Fender at (213) 893-5888, or Assistant Division Director Karen S. Dalton at (323) 526-5250.

Sincerely,



JIM McDONNELL
SHERIFF