

March 1, 2013

Commission's Secretary
Office of the Secretary, Federal Communications Commission
445 12th St., SW, Room TW-A325
Washington, DC 20554

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

Dear Chairman Genachowski,

The American Jail Association (AJA) is a national, nonprofit organization that supports the professionals who operate our Nation's jails. It is the only national association that focuses exclusively on issues specific to the operations of local correctional facilities.

Our Mission is: Banding together all those concerned with or interested in the custody and care of persons awaiting trial, serving sentences, or otherwise locally confined; to improve the conditions and systems under which such persons are detained.

- Advancing professionalism through training and professional certification, information exchange, technical assistance, publications, and conferences.
- Providing leadership in the development of professional standards, pertinent legislation, management practices, programs, and services.
- Presenting and advancing the interests, needs, concerns, and proficiency of the profession as deemed appropriate by the membership and their representatives.

There are a number of critical factors related to the provision of inmate calling services in local detention facilities and the corresponding charges to families that accept calls. These factors include, but are not limited to, security, recovery of costs and fair rates.

The rates charged by correctional institution phone service providers must consider the unusually high cost of providing such amenities in a jail environment. Phone systems in these facilities include expensive hardware and software. Phones are heavily armored, subject to constant abuse, and are regularly damaged and must be repaired or replaced. The related software utilized by providers commonly includes the ability to monitor, record, digitally store, and receive alerts for certain calls. The purpose of these features is to safeguard the safety of the facility, the inmates themselves, and visitors, victims, witnesses and court officials. A primary purpose of these features is the capture and preservation of evidence.

Moreover, the installation of such phone systems in correctional environment jail is capital intensive, and the cost of the specialized equipment and installation of hardware necessary for a hardened facility may take years to recover. Providers should allow the opportunity to recognize a reasonable profit from inmate calling services. Many facilities are required to provide calls at their own expense in certain circumstances, including upon detainee admission,

in emergencies, for calls to sexual assault resource centers, and for calls reporting alleged crimes. The cost of these systems and meeting the facilities requirements for no-cost calls has a significant impact on profitability.

Local jail facilities should be able to recover the costs of monitoring and administrative costs of managing the Inmate Calling Service. Inmate calling services are managed to varying degrees to improve the safety and security of the facility. Staff uses the system to monitor conversations that may undermine operations, including the planning of escapes and other disturbances, the introduction of contraband, staff – offender relationships, or evidence of criminal enterprises. When these conversations are discovered, there is a cost related to responding to subpoenas and other legal actions.

Jail facilities should be able to receive reasonable revenue from inmate calling services. Revenue from inmate phone system providers is used in a variety of ways to either offset the cost of incarceration to the community, or to provide additional productive programs to those incarcerated. Many facilities use revenue from inmate calling to fund programs that directly benefit incarcerated individuals. These programs include faith-based initiatives, life skills education, continuing adult education, mental health screenings, and a variety of re-entry projects. Funding for jails, and specifically these programs, is increasingly limited and difficult to obtain from local legislative bodies, and the revenue derived from phone services is a common sense approach to ensuring the continued operation of a host of inmate management and wellness programs.

The American Jail Association is committed to improving the conditions of confinement in local correctional facilities. We recognize that contact with family and friends are critical to the well-being of the incarcerated. The use of correctional phone systems is an important method of maintaining contact and should be provided at a reasonable cost.

We are concerned that the regulation of inmate calling systems will result in facilities eliminating other valuable inmate programs, and compromise our ability to monitor systems to ensure safety and security. Moreover, rate regulation will make the provision of inmate calling systems not just unprofitable, but unworkable for vendors in small facilities, resulting in the perverse situation of the loss of phone access altogether. Unlike prisons, local jails may have a population of 12 or fewer inmates, thereby increasing the need for such jails to find ways to defray the costs associated with inmate calling. We don't believe that the FCC intends these results, and hope to work with the FCC to address its concerns without negatively impacting the ability of America's jails to provide phone services and other programs to the incarcerated.

The American Jail Association requests that these comments be entered into the record of the Federal Communications Commission in response to Docket 12-375.