



PAMUNKEY REGIONAL JAIL

Serving the following
Localities:
Hanover County
Caroline County
Town of Ashland

James C. Willett, CJM
Superintendent

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December 10, 2013

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

Dear Ms. Dortch,

I am writing to you with a serious concern over the FCC's order reforming Inmate Calling Services (ICS) which was published in the Federal Register on November 13, 2013. The cap on interstate rates will significantly impact operations at our regional jail.

Pamunkey Regional Jail is located in Hanover County, Virginia and serves three surrounding jurisdictions with populations ranging from 28,972 (Caroline) to 100,668 (Hanover). Our staff of 138 serves an average daily population (ADP) of 485.

There are very real distinctions between Prisons and Jails which necessitate separate rules and call rates. The Order improperly adopts a "one-size-fits-all" approach treating all correctional facilities—prisons and jails, large and small—the same. For example, within Jails, inmate turnover is constant, resulting in the need to add new inmate accounts, establish new accounts to called parties, as well as removing the accounts when an inmate is released. In Prison, inmate turnover is low, inmates have been sentenced and housed in prisons for extended time periods (years). Overall, the cost to administer an Inmate Calling System in a jail setting is higher because of the constant inmate turnover.

In addition, because of the constant inmate turnover and pre-trial status of the vast majority of inmates in Jails, the requirement for free calls to specific numbers or free calls for account setup is much greater. However, Prisons house only convicted inmates, therefore the requirement for free calls is minimal. The cost to provide certain free calls to inmates is considerably greater in jails vs. prisons.

The FCC ruled that site commissions may not be included as a legitimate component of interstate ICS costs and may not be included in ICS rates, despite acknowledging that facilities such as ours incur costs in administering ICS. Because of this, the new rules may jeopardize the ability of ICS providers to offer



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inmate telephone service in small to medium size jails. The rate caps do not permit full recovery of costs, particularly in smaller, high-cost jails. Jails incur these administering and monitoring costs to ensure that security and public safety are maintained. As a result of this ruling, the FCC did not take any action to establish a means to recover these costs, which has a direct and tangible impact on public safety.

There are significant security risks posed by prohibiting call blocking to call routing services that allow called parties to mask their identity and location. By prohibiting call blocking, the FCC is taking away one of the tools used by law enforcement to ensure that ICS isn't being used to perpetrate criminal activity.

In addition, there are grave security risks posed by the idea of having multiple vendors serve a single jail. The current system in which one provider exclusively serves a particular jail maximizes security and minimizes safety risks to the public and confinement facility staff.

Lastly, the FCC does not need to micro-manage ICS and jail operations by prescribing a ratio of inmates to phones and other operational functions. Many state and national correctional accreditation bodies prescribe such ratios already. Adding an FCC requirement is redundant and unnecessary in this area. This type of decision works when made by Law Enforcement professionals who are charged with maintaining order and safety in their facilities.

It is with these justifications that I respectfully request a stay of proceeding number 12-375 as it pertains to jails, or the grandfathering of existing contracts until a Cost Recovery mechanism is added to the mandated rates.

Sincerely,



Colonel James C. Willett, CJM
Superintendent