

Onondaga County Sheriff's Office

Kevin E. Walsh
Sheriff



Warren R. Darby
Undersheriff

Ted A. Botsford, Chief Deputy, Police Department
John M. Balloni, Chief Deputy, Civil Department
Esteban M. Gonzalez, Chief Deputy, Custody Department

December 19, 2013

Via ECFS

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

Re: WC Docket No. 12-375

Dear Secretary Dortch:

The Onondaga County Sheriff's Office is writing to support the Petition for Stay filed by the Correctional Institutions in the above-referenced docket on November 12, 2013. The September 26, 2013 Order and Further Notice of Proposed Rulemaking/FNPRM, adopted by the Federal Communications Commission/FCC, drastically changes what rates may be charged for inmate calling services ("ICS") and how those rates are to be calculated. Utilizing the impetus of addressing the rates charged by ICS providers, the FCC has entered the domain of state and local government interests and matters of law. While the Onondaga County Sheriff's Office shares the FCC's concerns about the ability of inmates to communicate with their loved ones, it cannot support the approach taken by the FCC in the Order.

The Order severely compromises our ability to manage and oversee public safety and security in our facility, while simultaneously intruding upon state and local prerogatives. In New York State, the New York State Commission of Corrections, the NYS Department of Corrections, all county sheriffs, and other local law enforcement personnel are empowered under NYS law to establish and implement policies aimed at the orderly functioning of their respective jail and prison facilities. The Order impermissibly interferes with public safety matters within the exclusive providence of state and local corrections officials.

One such matter is controlling inmate communications. At the Onondaga County Justice Center, we must ensure that essential security features are in place to safeguard against inmate misuse of telephone privileges for illegal purposes. The security features associated with ICS are critical for our staff to combat continued criminal activity inside the walls of our facility and outside in our community. Some of these security features include valuable tools to protect our personnel and the inmate population from the smuggling of contraband, to prevent the orchestration of violent crime against staff and those outside the facility and to stop inmate gangs from commu-

Sheriff's Office	315-435-3044
Police Department	435-3036
Human Resources	435-1767
Civil Department	435-3060
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

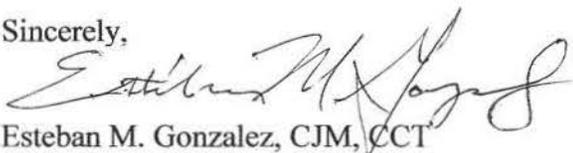
nicating with their members. In fact, the monitoring and recording of inmate telephone calls in our facility has resulted in the successful prosecution of hundreds of criminals and solved numerous major crimes.

The expense associated with these critical security features cannot be minimized. Our security costs are built into our rate structure and are based on the specific needs, as presented to our ICS provider. The new rate caps adopted by the FCC will make the deployment of safety and security features economically infeasible for many NYS correctional facilities. Our own ICS provider may be forced to abandon more effective and advanced security features now available because the cost is not recoverable.

The FCC's decision to cap interstate ICS rates will significantly impact the commissions that our facility receives pursuant to our contract with our ICS provider. We are not alone. Many county and local jails rely on commissions to fund critical inmate programs. Some of the programs/services provided are educational opportunities, supplies and equipment for work programs, medical care, counseling, life-skills programs, vocational training, GED coursework, mental health counseling, recreational equipment, and library resources to name a few. One primary manner in which these services and programs are funded is through the receipt of commissions by the county from the ICS provider. Local officials can only continue to offer these important services if they receive adequate funding. The decrease in commissions resulting from the FCC's new rate caps will cause significant disruptions to the services provided to inmates in Onondaga County and the rest of NYS.

We understand that several other correctional institutions and stakeholders have asked the FCC to stay implementation of the Order pending judicial review. They have made a compelling demonstration of how the Order negatively affects the safety and security of their correctional facilities and their ability to continue offering vital services and programs to the inmate population. We strongly urge the FCC to grant their petition, and further review the effect the Order and FNPRM will have on correctional facilities throughout Onondaga County, NYS and the nation.

Sincerely,



Esteban M. Gonzalez, CJM, CCT
Chief Custody Deputy
Onondaga County Sheriff's Office
American Jail Association President 2013-2014

cc:

Senator Charles E. Schumer, United States Senate
Senator Kirsten Gillibrand, United States Senate