

Talking Points on the FCC's Order Regarding Inmate Calling Services

- On September 26, 2013, the Federal Communications Commission (FCC) issued an *Order* (WC Docket No. 12-375) that required a number of changes in the rate structure and rates for interstate inmate calling services (ICS), effective February 11, 2014.
- The FCC's *Order* adopts unrealistically low rates for interstate ICS provided by jails and, thereby, will impede the ability of Sheriffs to finance administrative functions and security measures necessary to protect the public and the inmate population as well as imperil the continuation of ICS in jails.
- On December 13, 2013, NSA filed a *Petition* (www.sheriffs.org/petition) with the FCC requesting that the FCC reconsider the effective date of the *Order* as it applies to Sheriffs operating jails, and delay the date until the administrative and security costs associated with the provision of ICS in jails can be quantified or, in the alternative, no sooner than February 11, 2015, to allow Sheriffs time to modify their budgets or consider other alternatives that will allow them to continue to provide interstate ICS services and maintain necessary security functions.
- The FCC Order adopts a "one size fits all" approach and makes no distinction between jails and prisons. Sheriffs operate approximately 80% of the jails in this country, which are used by local jurisdictions to confine inmates for short periods of time. In contrast, prisons are operated by the State or Federal Government and are used to house convicted criminals for periods of much longer duration.
- Inmate telephone systems are built to reflect the unique needs of each correctional facility and provide a variety of security components. These security components come at a cost to the facility. The small size of most jails, coupled with high turnover rates, means that jails must charge more per minute than larger facilities in order to recover the costs of providing ICS.
- Many Sheriffs' Offices have reported to NSA that the *Order*, in precluding cost recovery mechanisms for jails in the administration of ICS, will reduce the revenues necessary to provide security and maintenance associated with allowing inmates to use telephones. Thus, these Sheriff's Offices will be forced to reduce or eliminate ICS until if and when alternative sources of revenues can be obtained. There is also the possibility that ICS Providers may simply discontinue providing services to smaller, higher cost jail facilities.
- In summary, the best way to ensure that Sheriffs are able to continue to provide interstate ICS is to delay the effective date of the *Order* until the FCC quantifies the administrative and security costs of ICS in jails and develops a cost recovery mechanism specific to jails that includes these costs.

Sheriffs recognize that maintenance of communication with family can have a positive influence on an inmate's re-integration into society after release from jail. However, Sheriffs must continue to have the ability to finance administrative functions and the security measures necessary to protect the public and inmate population. The hasty implementation of the FCC's *Order* will impede the ability of Sheriffs to do so and, as a result, imperil the continuation of interstate inmate calling services in jails.

Accordingly, for the reasons outlined above, Sheriffs urgently ask that their Congressional representatives contact the office of FCC Chairman Tom Wheeler (202-418-1000; Tom.Wheeler@fcc.org) before February 11 to express support for NSA's *Petition*.