

**House Energy and Commerce Subcommittee on
Communications, Technology, and the Internet**

**Hearing on H.R. 1084, the Commercial Advertisement
Loudness Mitigation (CALM) Act; H.R. 1133, the Family
Telephone Connection Protection Act of 2009; and H.R. 1147,
the Local Community Radio Act of 2009.**

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Good Morning Chairman Boucher, Ranking Member Stearns, and Members of the Committee. My name is David A. Goad and I currently serve as the Sheriff of Allegany County, Maryland and President of the National Sheriffs' Association (NSA). The National Sheriffs' Association represents over the 3,000 elected sheriffs across the country and the more than 20,000 law enforcement professionals, making us one of the largest law enforcement associations in the nation. I am pleased to have this opportunity to appear before you today to discuss our strong opposition to *H.R. 1133, the Family Telephone Connection*

Protection Act of 2009 and the negative and potentially dangerous effect this legislation will have on jails and prisons throughout the United States.

As you may be aware, sheriffs play a unique role in our criminal justice system. Over 99% of the sheriffs are elected and, oftentimes, serve as the chief law enforcement officer of their respective counties. In addition to providing traditional policing within their respective counties, sheriffs also manage local jails and provide court security. Consequently, we have a keen understanding of the needs of our criminal justice system, as well as the local communities we serve.

Currently, over 80% of the nation's local jails are under the jurisdiction of sheriffs. While operating our nation's jails, sheriffs must process thousands of arrests and are responsible for detaining tens of thousands of inmates nationwide on any given day. The amount of time, effort, resources, and funding necessary

to manage jails is quite substantial. Furthermore, sheriffs need to work with the knowledge that the safety of the public, as well as their deputies, is always guarded and held in highest priority. Therefore, it is necessary for sheriffs to have control over and the ability to monitor the activities that transpire within their jails, including the communication that inmates have with their connections outside of the jail.

The Family Telephone Connection Protection Act of 2009 (H.R. 1133) would alter a jail's inmate telephone service procedures and amend the Communications Act of 1934 to require the FCC to prescribe rules regulating inmate telephone service. While the bill requires that these regulations do not jeopardize "legitimate security and penological interests;" it indicates that a reduction or elimination of revenue derived by corrections institutions from the receipt of commission does not constitute jeopardizing or affecting legitimate security standards or penological interests. H.R. 1133 also indicates that no provider

of inmate telephone service may block or refuse to carry a call placed by an inmate on the grounds that the provider has no contractual or other arrangement with the local carrier serving the call recipient.

The National Sheriffs' Association believes that this legislation would severely hamper the ability of all sheriffs and law enforcement officials to effectively manage our nation's jails. Under H.R. 1133, correctional institutions would be required to provide inmates with a choice of carriers when placing telephone calls. This proposal would amount to nothing less than the complete dismantling of the existing system of inmate phone service.

Under the current system, one inmate phone service provider is contractually committed to monitor and control inmate calling for security and law enforcement purposes. Carrier choice would cause the facility to lose control over the monitoring and

tracking of inmate calling, which frequently results in criminal activity and massive fraud. Moreover, carrier choice would severely hamper the provider's ability to assist law enforcement officials with ongoing criminal investigations or to monitor the phone calls of suspected terrorists.

There are dangerous individuals who will continue to conduct criminal activities and operations on the outside via phone while they are incarcerated in local jails. Such activities could also include threats against any testifying witnesses or against any law enforcement personnel and their families. Consequently, the inability to monitor such calls could have a detrimental and potentially deadly impact. It could place unsuspecting individuals in danger and could prevent witnesses from coming forward to testify. Therefore, Sheriffs' ability to easily and effectively monitor inmate telephone calls not only assists law enforcement in criminal investigations, but significantly reduces the harm to law-abiding citizens throughout the community.

During the 110th Congress and in the current 111th Congress, there has been a strong emphasis on rehabilitating incarcerated offenders and ensuring their successful reentries into society. Local jails are attempting these efforts; however, as Sheriff's Offices budgets have been significantly reduced or tightened in recent years, sheriffs have been unable to utilize funding for anything other than personnel and necessary equipment and technology. Therefore, sheriffs rely on various services, such as inmate telephone commissions, to bring in revenue to fund and operate jailhouse treatment, rehabilitation, and reentry programs.

H.R. 1133, however, would prohibit the payment of commissions by providers of inmate telephone service to administrators of correctional institutions. The bill fails to recognize that these commissions are a primary source of financial support for a multitude of beneficial inmate programs

such as inmate welfare funds, anti-recidivism programs, AIDS education, basic adult education, substance abuse programs, and child abuse prevention programs.

I would like to interject a few examples just within the State of Maryland should this revenue vanish. As correctional administrators we shall realize a significant funding loss. My small, 225 bed facility, in Western Maryland will realize a shortfall of \$64,000 each year. Other larger facilities such as Harford County would have a deficiency amounting to \$170,000 and Washington County would experience a deficit of approximately \$134,000 in lost revenue.

The funds generated from commissions on inmate telephone calls are not a source of Income for correctional administrators as we are only allowed to send such funds on matters related to inmate welfare.

- Providing undergarments, socks, etc to indigent inmates
- Library Books and supplies
- Bibles and Korans
- Cable TV and at times the replacement of those televisions
- Multi-Vitamins, assorted health care products
- Games and Phys Ed Equipment
- Funding special programs for inmates

I would add that these commissions on phone calls are not unlike a sales tax. In this instance the proceeds are entirely devoted to the betterment of the citizen population, in this instance, our inmates. I further wish to state that cutting such funding would have a negative effect on inmates in every correctional facility across the United States.

As local governments continue to face severe economic strains, many jails will be forced to eliminate these programs

without the payment of commissions. Although Congress is currently working to secure federal funding for rehabilitation and reentry programs, it has yet to secure a substantial amount of funding for these programs. Thus, it would be irresponsible to prohibit the payment of commissions and eliminate sheriffs' primary source of funding for these programs.

Furthermore, these commissions provide crucial funding to enable authorities to administer inmate phone systems. Without commissions, jails must either request more public funding, thus putting additional stress on taxpayers, or be forced to completely cease making telephones available to inmates. As a result, the proposal to prohibit the payment of commissions may not only increase the financial burden on the taxpayers but risk the increased recidivism that would result from removing inmates' access to telephone service.

Sheriffs recognize that maintenance of communication with family is positive influence for the inmate's reintegration in the larger society after release. As such, the National Sheriffs' Association endorses fair and reasonable rates for inmate calls and would expect all sheriffs to require service providers to adhere to FCC rate guidelines. Furthermore, the National Sheriffs' Association continues to be an advocate of reentry initiatives proposed by Congress. However, we strongly oppose the proposals within H.R. 1133, as they would compromise public safety, put additional burdens on taxpayers, and force correctional institutions to eliminate reentry programs and access to telephones for inmates.

I want to thank you for the opportunity to come before you today and express our grave concerns regarding the *Family Telephone Connection Protection Act of 2009 (H.R. 1133)*.