



April 14, 2016

Colfax County Holding Facility
411 E 11th St
Schuyler, NE 68661-1921

Dear Paul Kruse:

I'm writing to ensure you're aware of recent changes to federal law about how much your facility can charge inmates and detainees for phone calls.

The Federal Communications Commission ("FCC") voted last fall to cap the cost of inmate and detainee phone calls, and the new rules for county jails is scheduled to go into effect on **June 20, 2016**. I'm enclosing a factsheet from the FCC to help you understand the new rules.

SERVICE CHARGE LIMITS:

There are new limits on transaction fees and ancillary service charges. We have heard reports of some Nebraska jails engaging in conduct that is not permitted under the new rules. Make sure your facility is not doing any of the following practices that are forbidden starting June 20, 2016:

- Charging transaction fees to add money to the phone account
- Charging a flat fee even if there is no answer or no acceptance for the call
- Charging more than 25% of traditional voice calls for TRS (telephone relay service) calls for people with disabilities

Please immediately review this information with your phone service provider. As you may know, violations of FCC rules may result in federal and state regulatory investigation that can include sanctions. Again, these limits go into effect on June 20, 2016.

CALL PER MINUTE COST LIMITS:

The FCC also passed rules with caps on how much a county jail may charge per minute for calls. This is currently on hold because a federal court challenge has put a brief stay on this rule only. The service rate limits discussed above are not stayed and are going into effect.

We anticipate that suit will be resolved in favor of the FCC, so we are providing you with the cost per minute limit to ensure you are aware of what is on the horizon. When the law goes into effect, these rates will immediately apply to your facility and you will not be permitted to charge more than these rates.

AMERICAN CIVIL
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LEGAL HELP LINE
1.855.557.ACLU (2258)

www.aclunbraska.org

If your facility has 349 or fewer inmates, you may charge no more than 22 cents per minute.

If your facility has 350 – 999 inmates, you may charge no more than 16 cents per minute.

If your facility has 1,000 or more inmates, you may charge no more than 14 cents per minute.

Note these are the new rates for debit and prepaid calls. For collect calls, the FCC will be phasing down rates to meet these same caps over a two-year period.

CONCLUSION:

It is important that every jail understands that this is not just the law—it is good public policy. Every recent study on recidivism finds “family connections” to be a significant factor in whether a person is likely to be rehabilitated or re-offend. Prohibitively high phone rates that put obstacles in the path of family members trying to stay connected to their loved ones is bad for the community at large.

We appreciate your attention to this change in the law. If you have any questions, you are welcome to contact me at (402) 476-8091 extension 106.

Amy A. Miller
Legal Director