

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: February 28, 2025

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Denita R. Ball, Sheriff, Milwaukee County Sheriff's Office

Subject: From the Sheriff, Milwaukee County Sheriff's Office, requesting approval of an amendment to the Inmate Calling Solutions LLC (ICSolutions), agreement for correctional communication services for a three-year term, from 3/29/25 to 3/28/28 due to material changes from FCC ruling 24-75 on rate caps and fees and the expiration of the initial term on 3/28/25.

File Type: Action Report

REQUEST

From the Sheriff, Milwaukee County Sheriff's Office, requesting approval of the amendment to the Inmate Calling Solutions LLC (ICSolutions) agreement for correctional communication services for three years from 3/29/25 to 3/28/28 due to material changes from FCC ruling 24-75 on rate caps and fees and the expiration of the initial term on 3/28/25.

BACKGROUND

On July 28, 2024, the Federal Communications Commission (FCC) voted to implement several new regulations on phone and video call services in prisons and jails. As required by the 2022 Martha Wright-Reed Fair and Just Communications Act, the FCC laid out new price caps that prisons, jails and their telecom providers must abide by, lowering the existing caps set in 2021. The new FCC ruling FCC 24-75 set the cap for phone calls at \$.06 per minute and also set the first rate cap for video calling at \$.11 per minute for jails and prisons the size of the Milwaukee County Jail (MCJ) and the Community Reintegration Center (CRC).

Per the agreement with ICSolutions and Milwaukee County, the implementation of these new rate caps would constitute a material change to comply with the FCC ruling and would allow for a good-faith negotiation of an amendment to the agreement.

6c(iii) FCC or Other Regulatory Body Rules or Policies

Should an additional material change in the rules or policies of the FCC or other regulatory body applicable to resident communication services occur following the execution of the Agreement, which such change negatively affects (a) the calling rates and/or fees

permitted to be charged by the Contractor to residents under the Agreement; (b) the right of the County to recover its costs; or (c) the ability for Contractor to pay to the County a revenue share, fees (including but not limited to the Cost Recoupment Payment) or other cost recovery mechanisms, then the Contractor and the County will negotiate in good faith an amendment to this Agreement that enables both parties to recover costs in a manner compliant with the change in the FCC's (or other regulatory body's) rules or policies.

In the 2024 adopted budget, the County Executive proposed a program that would provide up to 390 minutes of free phone calls and 60 minutes of video visitation minutes per month at both the Milwaukee County Jail (MCJ) and the Community Reintegration Center (CRC). All phone revenue had been eliminated to offer residents free minutes for both phone and video calling. This program intended to make phone calls more accessible and allow residents to reach loved ones without the financial burden placed on those closest to them.

The Milwaukee County Sheriff's Office convened a cross-departmental workgroup to implement free calling in both correctional facilities. This group includes members from the Sheriff's Office, the Community Reintegration Center, Procurement, IMSD, and a project manager from the Office of Strategy Budget and Performance. This workgroup has been meeting weekly beginning in early 2024 to implement free calling and address any technology or equity issues that have arisen. This group has also partnered with the Budget Office and County leadership to review proposals from the vendor and the impact of the FCC ruling on the County's ability to maintain free calling. It is the workgroup's recommendation to move forward with a one-year contract extension.

Milwaukee County and ICSolutions were in a trial period of implementing free phone call and video visitation minutes when the FCC ruling was adopted. Initially the proceeds from phone calls and video visits that the county received would fund the free minutes. The new FCC ruling would eliminate this funding with only commissions on tablet usage remaining.

FCC-24-75 prohibits Incarcerated People's Communications Services ("IPCS") providers from charging facilities, incarcerated persons, and the loved ones of incarcerated persons additional charges such as ancillary fees and special fees added to the base cost of calls.

FCC-24-75 restricts IPCS providers from providing "Site Commissions", including in-kind payments, infrastructure investments, or other valuable goods and services to correctional facilities. IPCS providers may reimburse correctional facilities for actual expenses related to the provision of communications services, provided those expenses meet the order's definition of "used and useful".

Funding fees when friends and family members would deposit funds into their loved one's prepaid communications account are also eliminated with the FCC ruling. Deposits made online or through the IVR (Interactive Voice Response) the fee is \$3.00, if made through a live agent, the fee is \$5.95.

It is proposed that the monthly tablet commissions support the funding to provide the occupants/residents with up to 90 free minutes of phone calls and up to 15 free minutes of video visitation per week and the funding for 1.0 FTE Deputy Sheriff position that provides onsite administration for the Resident Telephone System (RTS), Video Visitation Solution (VVS) and Tablets.

Because of the FCC's change in the caps in the phone and video visitation rates, eliminating funding fees, and the county implementing free phone calls and free video visitation minutes, we do not have a clear understanding of what the new volume of calls and video visits will be or the impact that may occur on tablet usage.

RECOMMENDATION

The Sheriff of the Milwaukee County Sheriff's Office respectfully submits this action item to request the authority to amend the Inmate Calling Solutions LLC (ICSolutions) agreement for three years from 3/29/25 to 3/28/28 due to material changes from FCC ruling 24-75 on rate caps and fees and the expiration of the initial term on 3/28/25.

FISCAL EFFECT

No fiscal impact. The 2024 adopted budget eliminated revenue from phone and video visitation in order to fund free phone and video visitation minutes.

VIRTUAL MEETING INVITES

Denita Ball, Sheriff, Milwaukee County Sheriff's Office
Brian Barkow, Chief Deputy, Milwaukee County Sheriff's Office
Joshua Briggs, Jail Commander (Director), Milwaukee County Sheriff's Office
David Rugaber, Deputy Director, Milwaukee County Sheriff's Office
Pat Carravetta, Fiscal Administrator, Milwaukee County Sheriff's Office

PREPARED BY:

Pat Carravetta, Fiscal Administrator

PAC

APPROVED BY:

Brian Barkow, Chief Deputy

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk