



Legislation Text

File #: 21-1078, **Version:** 1

TO: Board of Supervisors
FROM: Dina Jose, Director of Corrections
REPORT BY: Sue Kuss, Staff Services Manager
SUBJECT: Agreements with Securus Technologies, Amendments No. 4 and No. 5

RECOMMENDATION

Director of Corrections requests approval of and authorization for the Chair to sign amendments to two agreements with Securus Technologies:

1. Amendment No. 5 to Agreement No. 170629B aligns telephone rates with the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC) orders and extends the term through June 30, 2024, or until 60 days after the County provides notice of its intention to vacate the Hall of Justice, whichever date is later.

2. Amendment No. 4 to Agreement No. 190215B for video visitation services extends the term to June 30, 2024, or until 60 days after the County provides notice of its intention to vacate the Hall of Justice, whichever date is later.

EXECUTIVE SUMMARY

1. Amendment No. 5 of Agreement No. 170629B adopts the telephone rates prescribed by the FCC and the CPUC and extends the term of the agreement for telephone visitation services.

2. Amendment No. 4 of Agreement 1901215B extends the term of the agreement for video visitation services.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? Yes

Is it currently budgeted?	Yes
Where is it budgeted?	Inmate Welfare Fund (IWF)
Is it Mandatory or Discretionary?	Mandatory
Discretionary Justification:	Click or tap here to enter text.
Is the general fund affected?	No
Future fiscal impact:	Future revenue streams for the IWF will be reduced.
Consequences if not approved:	Agreement with Securus Technologies will not reflect the lower, prescribed telephone rates and the IWF will immediately realize a reduction of \$39,000 in telephone commissions.
County Strategic Plan pillar addressed:	Effective and Open Government
Additional Information	Click or tap here to enter text.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

TELEPHONE SYSTEM

The purpose of amending Agreement 170629B is two-fold: to align telephone rates with caps imposed by the FCC and CPUC and to amend the contract with the current provider of inmate calling services, Securus Technologies.

The telephone rates incarcerated people and their friends and family pay for calling services has been the subject of discussion and lawsuits since 2017. On May 24, 2021, the FCC issued a Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking telephone rates. The Order, in part, reduced interstate (out-of-state) debit and pre-paid calls to \$.21 per minute and collect calls to \$.25 per minute for jails with an average daily population less than 1,000. The new rates, which are lower than previous rates, became effective October 7, 2021.

On October 8, 2020, urged by the FCC to take action to address in-state inmate calling service rates because it lacked the authority to cap intrastate (in-state) calling prices, the CPUC opened proceedings to address the affordability issue of communication services for incarcerated people and their families. On August 19, 2021, the CPUC issued Rulemaking 20-10-002 capping rates for intrastate debit, pre-paid, and collect intrastate calls to \$.07 per minute “to ensure that incarcerated people in California pay just and reasonable rates for intrastate calling services, under just and reasonable terms and conditions.”¹ The new rates are less complicated compared to the previous rate structure which was tiered and dependent on time of day. For example, rates for an out-of-state collect call were \$3.79 for the first minute and up to \$.69 for each additional minute(s). In-state collect calls were \$3.02-\$3.20 for the first minute and up \$.20 for each additional minute(s).

Under California Penal Code Section 4025, an Inmate Welfare Fund is mandated to provide services essential to the benefit, education and welfare of inmates. All revenues are deposited within the Inmate Welfare Fund and segregated from County funds. The revenues pay for items that benefit inmates such as library books,

periodicals, cable TV, card and board games, and educational/enrichment programs. The lower phone rates will result in less commission revenue for the Inmate Welfare Fund.

VIDEO VISITATION

The purpose in amending Agreement 190215B, the video visitation contract, is to extend the contract term to the time when the Jail ceases to occupy the Hall of Justice. Because Securus Technologies holds contracts for both the telephone and video visitation systems, the Department is requesting to utilize the same term for each of the these contracts.

Securus Technologies Inc. has provided inmate telephone and video visitation services for both the Napa County Department of Corrections and the Napa County Juvenile Hall since 2004 and earns commission on the telephone and video visitation services. Securus pays a commission rate of all applicable revenue to the IWF. For Fiscal Year 2020-2021, revenue from the two Securus contracts generated \$56,000 in commissions to the Jail's Inmate Welfare Fund. If the Department extends the contract beyond its current term of 6/30/2022, Securus proposes to absorb the reduction in commissions caused by the lower telephone rates and hold the IWF's commission at existing levels through April 30, 2023. From the period May 1 2023 to June 30, 2024, commissions will be actual receipts based on the current telephone rates. The balance of the IWF at 6/30/2021 was \$767,949. The design of the replacement jail includes space that will be used to offer educational and enrichment programming that the current jail cannot accommodate. The Inmate Welfare Fund will pay for these program costs.

A Request for Proposal for telephone and video visitation services will be timed to coincide with completing the replacement jail.

¹*August 19, 2021 CPUC decision adopting interim rate relief for incarcerated persons calling service*