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# Office of the Sheriff

Jesse Jahner, Sheriff

October 11, 2021

Mr. Chad Peterson – Chair  
Cass County Commission

Chairman Peterson,

This letter contains a request to have three items submitted for consideration and action at the next available meeting of the Cass County Commission. All three items relate to contractual matters between the Cass County Jail and its vendors.

I am including separate packets for each of the three items which include detailed explanations and contract amendments that will require discussion and commission action. All three items are time sensitive.

Item #1 Contract with the DOCR to formalize payment to Cass County for DOCR sentenced inmates.

Item #2 Upcoming expiration of the Jail Commissary Contract with Turnkey.

Item #3 Amendment to the contract with Securus (inmate phone system), due to FCC action on rates.

I respectfully request the opportunity to discuss each of these items, and present options for the Commission to consider, at the next full meeting of the Commission.

Capt. Andrew Frobig  
Jail Administrator

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1612 23rd Avenue North  
P.O. Box 488  
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Phone: 701-241-5800  
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**Cass County Jail**  
450 34th Street South  
Fargo, North Dakota 58103  
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### Item #3. Amendment to Contract with Securus (Inmate Phone System)

With the change of presidential administrations in January of 2021, the makeup of the FCC changed as well, and inmate phone rates have again become a topic of action.

Our phone provider, Securus, has informed us that the FCC has recently set new limits on interstate calls, based on the size of the facility. Cass County Jail would be classified under rate caps which apply to facilities of less than 1000 prisoners.

The new rate caps for our facility are two-fold. First, a cap of \$0.21 per minute is established. Second, the total rate charged to inmates, including commissions, cannot exceed \$0.21 per minute. There is a different rate structure for Prisons and Jails that hold greater than 1000, which provides lower per minute rates, and commissions limited to \$.02 per minute which can be added to the lower rates.

In the latest action taken by the FCC, they acknowledged that they are not empowered to regulate calls that are *intrastate*, but for the first time they have narrowed the definition of *intrastate calls*, in that they now will only consider a call to be *intrastate* if the record of that call can definitively establish through location data that both the caller and the recipient were within the boundaries of North Dakota.

Securus states in their amendment materials that they do not have the necessary location data for call recipients to meet this threshold, and therefore must consider all calls to be interstate and therefore capped at \$0.21 per minute.

In June of 2020, we signed an amendment with Securus which reduced rates on *intrastate* calls to \$0.31 per minute. At that time, *intrastate* was determined based on the area code of the phone number being called. That contract amendment established a fixed commission rate, regardless of calls being made, which was attractive at the time not only for stability, but also because our numbers were significantly reduced at the time. That amendment contained a contract extension thru November of 2023.

The full contract, as well as the amendment signed in 2020, contain a Force Majeure clause that, in part, address actions taken by the FCC. Therefore, we are still obligated to remain with Securus thru November 2023, but we must also amend the existing contract to be in compliance with new FCC regulations.

Securus has submitted two proposed amendments, which are attached for review. The FCC regulations must take effect by the end of October, 2021, so the Commission must decide and agree to one of the proposed amendments.

One amendment offered by Securus would contain no extension beyond November 2023. This amendment would reduce calling rates in accordance with the FCC regulations, reduce the fixed commission rate, and would remove a monthly cost of \$1,295 dollars that we have been paying for "Video Software Maintenance".

The second amendment offered by Securus includes an extension of the existing contract beyond November of 2023, would provide for reduced calling rates in accordance with the FCC regulations. This amendment would maintain the current flat rate commissions and would reduce the monthly expense that we have been paying for "Software Maintenance." Further, this amendment would provide for installation of what Securus has described as "Upgraded Equipment" for phones and video visitation, as well as integration of addition tablet equipment and features.

#### Recommendation to the Commission

Inmate phone technology has been advancing at a surprising pace. We have fielded inquiries from several phone companies over the past two years. There are many newer companies who have emerged in recent years to compete for this business, and the advances in WiFi tablet technology have seen remarkable improvements in just the past two years. One company is currently offering an iphone sized device that can be used to make inmate calls, video calls, video visitation to lobby terminals, access to law library, music, ebooks, commissary purchasing, and even access to inmate form submission, all from the single device that is issued and assigned directly to the individual inmate, all from the confines of their cell.

We have been with Securus now for over 10 years. While I imagine that all companies will have their share of technical problems and issues with equipment failure, we have been tracking all such failures and problems with our current provider, and it has been challenging to keep all the equipment functioning properly and to receive timely repair when it is necessary.

To the extent that technology has advanced in the past few years, we believe that new advances will be made, and will be available for demonstration, within the next two years. For that reason, we believe that the best course of action on this matter is to sign the amendment which **does not** extend our contract any further than November of 2023, and plan to offer a full Request for Proposals in late 2022 for inmate communications. Securus would certainly be able to participate in that RFP, as well as any other company providing inmate communications. This would provide time for not only the advancement of technology, but also hopefully for the resolution and settling of any further FCC action that will be taken in relation to inmate communications as we consider the offerings and capabilities from companies interested in providing this service.

#### Proposed Motion

*"Move to approve an Amended Contract with Securus, to modify calling rates and commissions in accordance with FCC regulations, with no extension of the existing contract expiration."*

Dear Valued Customer,

The purpose of this letter is to update you about recent requirements and upcoming changes from the latest FCC order.

As you may be aware, the Federal Communications Commission (“FCC”) recently released a Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking<sup>1</sup> (the “2021 Order” and “Rulemaking”) regarding incarcerated calling services (“ICS”). The 2021 Order is a substantial and complex document and it makes several changes to current ICS rules that will impact our agency customers to some degree, and a number of these changes involve a very nuanced approach to regulating ICS. The 2021 Order will be effective 90 days following the publication of it in the federal register, which occurred on 7/28/2021.

### Key Changes

The 2021 Order contains a number of significant changes, most notably:

- **Jurisdiction.** While the FCC is limited to regulating interstate calls, the 2021 Order introduces a new test for determining whether a call is interstate or intrastate. Simply put: an ICS provider must determine the physical location of the called party and can treat the call as *intrastate* only if it has location data indicating both parties are in the same state. If we do not have that location data, we must treat the call as interstate and subject to the FCC’s rules.<sup>2</sup> This new rule primarily applies to wireless calls, which make up an overwhelming percentage of calls and for which ICS providers do not have access to location data. *Therefore, the practical effect is that all calls will be treated as subject to FCC jurisdiction and its new ICS rules.*
- **New Rate Components.** As directed by the D.C. Circuit in the *GTL* decision, the FCC is recognizing site commissions as a legitimate cost to be recovered in call rates, but the FCC is limiting site commissions and for prisons and large jails.<sup>3</sup> Going forward, the FCC will treat the call rate as having two components: a provider-related rate cap for the ICS provider to recover its costs, and a facility-related rate cap to compensate the facility for its reasonable costs related to administering ICS (i.e., a site commission). There are separate rules that apply to each component.
- **New Rate Caps.** The FCC is setting new “interim” rate caps, and will continue to work towards permanent rate caps as part of the upcoming Rulemaking. First, the separate rate cap for collect calls is being eliminated entirely.<sup>4</sup> Second, for prisons and large jails (i.e., those with an ADP of 1,000 or more), there are separate caps for the provider-component and the facility component.<sup>5</sup> Third, for small jails (i.e., those with an ADP of less than 1,000), all calls are capped

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<sup>1</sup> Released May 24, 2021, and available here: <https://ecfsapi.fcc.gov/file/0524685718516/FCC-21-60A1.pdf>.

<sup>2</sup> 2021 Order, ¶ 41 (“Thus, to the extent that a provider cannot determine that the physical endpoints of a call are within the same state, the provider must not exceed our new interim interstate rate caps for that call.”).

<sup>3</sup> Full recovery of site commissions is not required under the FCC’s rules. See, e.g., 2021 Order, ¶ 110-115.

<sup>4</sup> 2021 Order, ¶¶ 42-45.

<sup>5</sup> *Id.*, ¶ 39, and Appendix A, new rule 47 CFR § 64.6030(b)-(d).

at \$0.21 per minute.<sup>6</sup> Please see the table below for a summary of these rate caps. *Regardless of facility type, the maximum per-minute rate for any ICS call will be capped at \$0.21.*

- New Site Commission Caps and Rules.** The FCC is increasingly identifying site commissions as a separately identifiable cost, with its own requirements and restrictions. In addition to distinguishing between provider and facility-related rate components, the FCC is also distinguishing between types of site commissions. If a site commission is specifically required (including by amount) *by state statute or the rules of a state public utilities commission*, then the FCC regards that as a “legally mandated” site commission.<sup>7</sup> The FCC regards all other site commissions as “contractually prescribed”.<sup>8</sup> *This distinction primarily impacts prisons and large jails, as contractually prescribed site commissions are capped at \$0.02 per minute, whereas legally-mandated site commissions may exceed the provider-related rate component up to \$0.21 per minute. Note also that these caps apply to all value provided that falls within the FCC’s broad definition of a site commission.*<sup>9</sup>

The following table summarizes these new rate and site commission caps:

Facility Size	Cap on Provider-Related Rate Component (All Calls)	Site Commissions	
		Cap on Contractually-Prescribed Facility-Related Rate Component	Cap on Legally-Mandated Facility-Related Rate Component
Prison	\$0.12 / Minute	\$0.02 / Minute (for a total rate not to exceed \$0.14 / minute)	Provider- and Facility-Related Rate Components together cannot exceed \$0.21 / minute
Jail with ADP ≥ 1,000	\$0.14 / Minute	\$0.02 / Minute (for a total rate not to exceed \$0.16 / minute)	Provider- and Facility-Related Rate Components together cannot exceed \$0.21 / minute
Jail with ADP < 1,000	\$0.21 / Minute	Not defined. Provider- and Facility-Related Rate Components together cannot exceed \$0.21 / minute	Provider- and Facility-Related Rate Components together cannot exceed \$0.21 / minute

- Ancillary Service Charges.** The 2021 Order did not affect the ancillary service charges applicable to Securus accounts (e.g., automated payment fee, live agent fee, third-party financial transaction fee, etc.). The FCC did cap Third-Party Financial Transaction Fees and Third-Party

<sup>6</sup> *Id.*, ¶ 105, and Appendix A, new rule 47 CFR § 64.6030(a).

<sup>7</sup> *Id.*, ¶ 101, fn 304, and Appendix A, new rule 47 CFR § 64.6030(d)(1).

<sup>8</sup> *Id.*, at ¶ 103, and Appendix A, new rule 47 CFR § 64.6030(d)(2).

<sup>9</sup> *Id.*, at fn 498. *See, e.g.*, 47 CFR § 64.6000(t), definition of “Site Commission” (“any form of monetary payment, in-kind payment, give, exchange of services or goods, fee, technology allowance, or product that a Provider of Inmate Calling Services or affiliate of an [sic] Provider of Inmate Calling Services may pay, give, donate, or otherwise provide to an entity that operates a correctional institution, an entity with which the Provider of Inmate Calling Services enters into an agreement to provide ICS, a governmental agency that oversees a correctional facility, the city, county, or state where a facility is located, or an agent of any such facility”).

Single Call and Related Fees at \$6.95.<sup>10</sup> Securus does not use a third-party for single-call services, so that change will not affect our services. As Securus' arrangements with Western Union and MoneyGram set their charges at \$4.95, the new cap will also not affect those arrangements. *Note that the FCC will be examining ancillary service charges in the upcoming Rulemaking.*

- **International Rate Caps.** The FCC did not previously cap the ICS rates for calls terminating to international locations. The 2021 Order includes new "interim" international rate caps, which are based on (a) the applicable rate cap for the type / size of the facility, plus (b) the average amount that the ICS provider pays to terminate calls to an International Destination.<sup>11</sup> The average amount will be revised after the end of a quarter, with corresponding changes to the rates implemented within 30 days after the end of each calendar quarter. *The practical effect of this change is upon implementation, Securus will have a single international rate plan applicable to prisons, a second international rate plan applicable to large jails, and a third international rate plan applicable to small jails. Those rate plans will be updated quarterly to reflect the changing costs of terminating calls.*
- **New Transparency and Disclosure Requirements.** The 2021 Order also mandates changes to the form of an ICS provider's bill or statement. Under the new rules, an ICS provider is required to break down the call rates to disclose (a) the provider-component of the rate, (b) the amount of the site commission component of the rate, (c) a description of the obligation to pay site commissions (e.g., pursuant to contract or state statute or rule), (d) the total amount charged to the consumer for the calls on the bill, and (e) the international charges, breaking out the costs paid for terminating each call to an International Destination.<sup>12</sup> *As a result of these changes, there will be greater transparency to consumers of the costs of ICS calls and who is receiving what amounts.*
- **Disability Services.** The 2021 Order does not contain any new specific requirements related to providing access to incarcerated people with speech and hearing disabilities of functionally equivalent telecommunication services. But the FCC did remind ICS providers of their responsibility to ensure that services and equipment provided for use by incarcerated people are accessible and usable by those with disabilities.<sup>13</sup> *The upcoming Rulemaking will explore the types of technologies that should be made available and accessibility in the context of the environment of correctional institutions.*

As reflected in these descriptions of key changes, the 2021 Order has a broad reach and involves a high degree of complexity and nuance. This summary does not describe all the requirements, merely those we believe will be material. As we work together in the implementation of these changes, there may be additional issues that we affect our services.

In addition, as noted above, the FCC is engaged in the additional Rulemaking, which will look more closely at access to disability services (including the types of technology, service providers, charges, and

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<sup>10</sup> *Id.*, at ¶ 209, and Appendix A, new rule 47 CFR § 64.6020(b)(2) and (5).

<sup>11</sup> *Id.*, at ¶ 176, and Appendix A, new rule 47 CFR § 64.6030(e).

<sup>12</sup> *Id.*, ¶¶ 160-168, and Appendix A, new rule 47 CFR § 64.6110.

<sup>13</sup> *Id.*, ¶ 206.

reporting);<sup>14</sup> setting permanent caps on ICS calling rates and site commissions;<sup>15</sup> revising ancillary service charge amounts and rules;<sup>16</sup> refining international rates;<sup>17</sup> further data collections;<sup>18</sup> revising the definition of “Jail” in the FCC ICS rules;<sup>19</sup> and an examination of the market place for ICS services.<sup>20</sup> Comments will be due 30 days after publication of the 2021 Order and Rulemaking in the Federal Register.

Given the scope and complexity of the 2021 Order, please let us know if you have any comments or questions.

Regards,

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<sup>14</sup> Rulemaking, ¶¶ 263-301.

<sup>15</sup> *Id.*, ¶¶ 302-324.

<sup>16</sup> *Id.*, ¶¶ 325-337.

<sup>17</sup> *Id.*, ¶¶ 338-341.

<sup>18</sup> *Id.*, ¶¶ 342-346.

<sup>19</sup> *Id.*, ¶¶ 347-349.

<sup>20</sup> *Id.*, ¶¶ 350-358.



## SECURUS TECHNOLOGIES SUPPORTS INTERIM RATE CAPS ON INMATE CALLING SERVICES AND PROPOSES SWEEPING COLLABORATIVE EFFORT TO MODERNIZE CORRECTIONAL COMMUNICATIONS

*Company Outlines Vision for Providing Smart Devices to Every Incarcerated Individual, Lowering Costs Through Subscription Calling Plans, and Eliminating Site Commissions*

*Will Work with Regulators and Legislators to Ensure Correctional Agencies Have Funding to Protect Essential Programming*

DALLAS, July 29, 2021 – Securus Technologies announced today that it would support the Federal Communications Commission’s new order imposing interim rate caps and other requirements on telephone service for incarcerated individuals, foregoing appeal or opposition in favor of an unprecedented collaborative approach to regulation.

“We believe it is long overdue for our industry to stop fighting with reform-minded regulators and legislators,” said Securus CEO Dave Abel. “Instead, we need to adopt a more collaborative approach that balances the needs of the incarcerated individuals and their families who use and pay for our services and the corrections agencies that contract for them.”

Mr. Abel said that while the FCC’s order is not perfect, it presents an unprecedented opportunity to ensure consistency, simplicity, and transparency in pricing with flexibility to meet the needs of local communities. Moreover, it provides a bridge for the industry to move beyond pure telephone service to a much-needed, smart-tablet platform.

In that context, Securus has called upon regulators, legislators, correctional agencies, justice-involved families, and technology providers to engage in a collaborative effort to make technology more accessible and affordable. The company today announced a series of investments and commitments to support this effort:

- **Ensuring Access to Smart Technology for Incarcerated People Across the Country.** Securus is committed to putting simply priced digital tablets that operate like smartphones in the hands of every incarcerated individual, connecting them not only to their friends and family but to a universe of information that facilitates the fundamental right to education, prepare for and apply to in demand jobs, identify stable housing, and enroll in transition programs and other social services.
- **Expanding a Subscription Model for Calling Plans:** Under a Securus pilot program, subscription calling plans (which allow loved ones of incarcerated individuals to pay a monthly fee rather than per-minute charge) increased connection time for families by more than 27 percent while reducing their calling rates by 50 percent. But current FCC rules would prohibit subscription models in correctional institutions. Securus will be immediately filing for a waiver that would allow subscription plans to be offered at facilities served by the company, as advocates and justice-involved families have requested.
- **Working With Regulators and Local Governments to Phase Out Site Commissions:** Securus supports the elimination of site commissions to improve affordability for consumers. Commissions account for 33 percent of the out-of-pocket consumer call charges on average and can rise to more than 70 percent in some jurisdictions. Securus is offering commission-free models on all RFPs and is working with corrections agencies who have decided to reduce or phase out commissions. The company will pass the



# SECURUS Technologies®

savings from elimination of calling commissions and reductions in taxes and fees directly through to the consumer. In the meantime, Securus will honor contractual commissions, continue to bid competitively for RFPs with commissions and work with others to find transparent and direct budgetary funding for agency customers reliant upon those funds for rehabilitative and developmental needs.

- **Working Towards Data-Driven Caps on Call Rates and Other Charges:** Securus supports the FCC imposing caps on calling rates, as well as the government fees and taxes that drive up operating costs for providers, and therefore increase prices for consumers. For example, the Universal Service Fee supports critical infrastructure needs but is disproportionately impacting low-income families and has nearly doubled over the past three years. This would be a helpful step towards providing greater fairness and consistency across jurisdictions and create a level playing field for technology providers. Securus funded an independent third party to look at existing data and recommended a model for establishing rates that would be affordable to consumers while still covering the costs of technology and operations. The company intends to work with the FCC and other stakeholders to develop a data-driven model for call rates that serves incarcerated people and protects public safety.
- **Refraining from Appeals that Would Prevent Draft Rules from Going Into Effect:** While there are components of the order that are cause for concern, the company has chosen to forego any appeal and instead work collaboratively with the FCC, state and local governments, consumers, facility customers, and other technology providers to improve upon the foundation provided in the published rules.

**Dave Abel, CEO of Securus said:** *"We believe that the rulemaking process currently being undertaken by the FCC has the potential to bring much needed transformation to correctional communications and the deployment of advanced technology to incarceration facilities. We commend FCC Acting Chairwoman Jessica Rosenworcel for her leadership and being a driving force to making communications more affordable. Our organization wholeheartedly supports the effort to regulate and are committed to being active participants in this process as well as the final rulemaking. While we have concerns about some elements of the interim order, we believe the best path forward is to work with the FCC to further refine and modernize the regulations. We all share the goal of a correctional communications system that is affordable and contributes to a nation that is safer and more just – and we look forward to working together to move ever closer to that vision."*

In January 2020, Securus announced a multi-year corporate transformation, which has so far reduced the average cost of our calls to less than 15 cents per minute, integrated commission-free and agency-paid options for telephone calls, and renegotiated contracts with over 100 correctional agencies to drastically adjust call rates that previously exceeded national averages.

For more detail, see an open letter from Securus to the FCC at <https://bit.ly/3C1y8TB>

## **ABOUT SECURUS TECHNOLOGIES**

Headquartered in Dallas, Texas, Securus Technologies, a subsidiary of Aventiv Technologies, serves more than 3,450 public safety, law enforcement and corrections agencies and over 1,100,000 incarcerated individuals across North America. The Aventiv organization is committed to providing emergency response, incident management, public information, investigation, biometric analysis, communication, information management, incarcerated self-service, and monitoring products and services in order to make our world a safer place to live. For more information, please visit [www.Aventiv.com](http://www.Aventiv.com). Aventiv is a portfolio company of Platinum Equity.

# **SECURUS** Technologies®

Founded in 1995 by Tom Gores, Platinum Equity is a global investment firm with a portfolio of approximately 40 operating companies that serve customers around the world.

**SECURUS**  
Technologies™



**CASS COUNTY SHERIFF'S OFFICE, ND  
PROPOSAL  
INMATE COMMUNICATION SERVICES  
SEPTEMBER 30, 2021**

# **SECURUS FINANCIAL OFFER**

# Securus Financial Offer

Securus Technologies is pleased to present a very competitive offer for "Best of Breed" Equipment, Investigative Technology, and Operational Tools to the Cass County Sheriff's Office. Based upon your technology and financial requirements, we have designed a comprehensive solution that will balance the Cass County Sheriff's Office requirements for the best technology in the industry, maximum revenue potential, reduction of operational costs, safety and security, and minimizing complexity. Our portfolio is supported by the largest field technician and customer service organization in the market. Our implementation process, training on products, and on-going customer service will provide Cass County Sheriff's Office Corrections, Investigative staff, Inmates, and the surrounding communities with the best service available.

## Financial Offer will include the following:

### Securus Communications Platform (SCP)-In Place

**Inmate Telephone Service (ITS):** - SCP offers **free quarterly upgrades** throughout the life of the contract with over 700 Features. SCP is the most deployed platform in the industry with over 2,700 sites currently online. SCP will, at a minimum, provide 3-Way Detection, Remote Call Forwarding, Voice Biometrics, PINS, live monitoring, Advanced Reporting, Covert Alerts, Crime Tip, Reverse Look-up and BNA (Billing Name and Address) with over 50 standard reports.

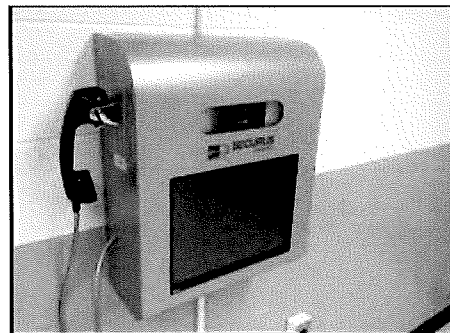
### ConnectUs-Securus Video Visitation

#### Securus will replace all existing Inmate sPhone Minis with sPhone XL Terminals

Securus' cutting-edge ConnectUs software transforms the SVV terminal into an inmate self-directed kiosk. ConnectUs automates critical operations for correctional facilities while delivering unlimited applications to inmates. It essentially changes the way inmates access communications services within a corrections environment. Built on proprietary technology and delivering the most advanced, easy-to-use design, ConnectUs allows Securus to host phone calls, video visitation sessions, grievances, commissary ordering, and a number of other services. Based on facility directives, the ConnectUs operating system completely manages the inmate community's experience, including what applications are available, when they are available, and to whom they are available. ConnectUs automates traditionally manual operating processes of facilities. Specific ConnectUs applications included:

- **Phone Call App** – allows inmates to speak to loved ones using the completely secure SCP. All calls are monitored and recorded.
- **Video Visitation App** – allows inmates to participate in completely secure video visits from their pod, eliminating the need for movement inside the facility. All video sessions are monitored and recorded.
- **Inmate Handbook and Documents App** – allows inmates to view the Cass County Sheriff's Office inmate handbook and other .pdf documents uploaded by the Facility. Inmates can access information without the facility having to print or distribute documents.
- **Inmate Videos (MP4s) App** – allows facilities to upload any MP4 video, such as a video version of the inmate handbook, a jail orientation video, or a tutorial on how to use other apps.
- **eMessaging-Can be available on the terminals and tablets (Description below)**

#### sPhone XL Poe Terminal Specs are included in the attachment:



## Unity Inmate Tablets

Includes Standard Content with a 1:1 Ratio per Inmates or as many as required by the facility at no cost. Securus will make "standard" community content available for all inmates on every tablet at no cost. Officer tablets will be provided to control functionality on the inmate tablets.

UNITY FUNDAMENTAL - FLEXIBILITY

**INVENTORY TABLET**



Initial Inventory Tablet  
None/minimal applications

**PERSONAL TABLET**



Free subscription/access to critical content with all basic applications

**PERSONAL+ TABLET**

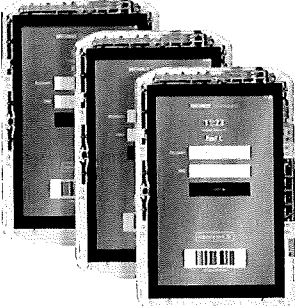


Paid subscription/premium access to media applications


Not a "One Size Fits All" Solution

## TABLET DISTRIBUTION


**Inventory Tablets**



**Personal Tablet**



**Personal+ Tablet**



- Personal development
- Education
- Forms & Grievances
- Religion

- eMessaging
- Mental health
- Agency Content
- Job Search

Incarcerated Individual purchases access using Securus Debit account

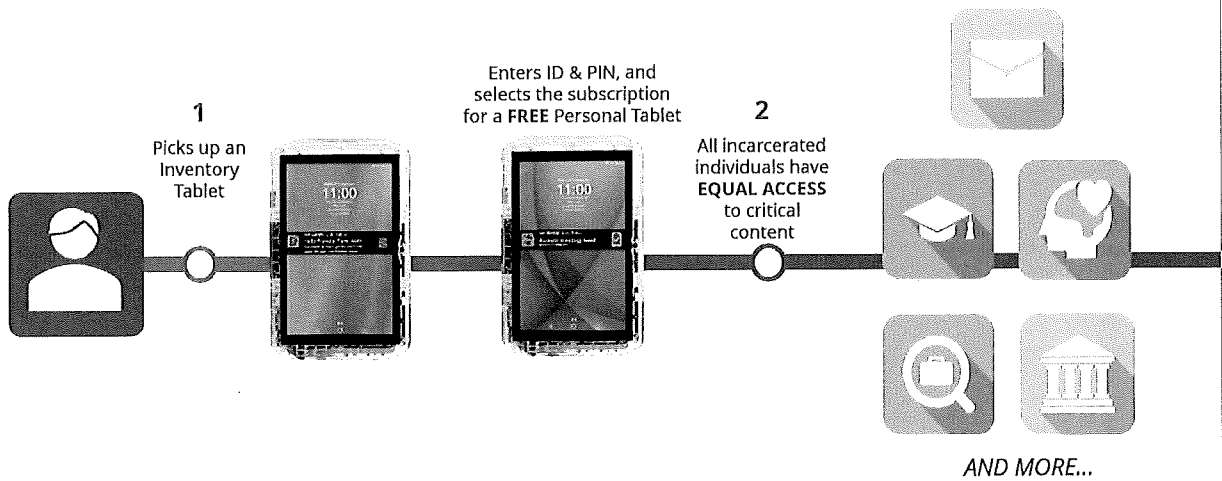
ALL Personal Tablet assignment through easy MakeMine (ID & PIN entry) and subscription option

- Music
- Games
- Movies

- Media Store
- News
- TV Shows

7

## FREE PERSONAL TABLETS

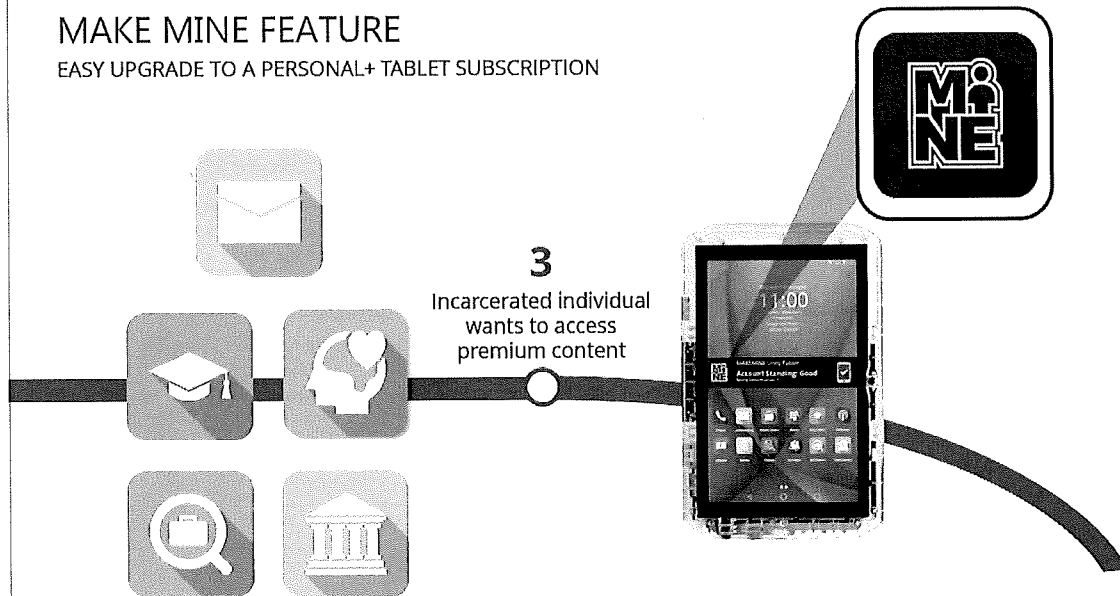


SECURUS Technologies\*

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## MAKE MINE FEATURE

EASY UPGRADE TO A PERSONAL+ TABLET SUBSCRIPTION



SECURUS Technologies\*

SECURUS Technologies | 11

**All of the standard tablet content provided below is configurable and flexible at the discretion of your facility and includes: The following below are all available to the Inmate at No charge to them.**



**KA Lite** – self-paced learning app with 1,000s of videos and suggested topics/subjects with capabilities for inmates to learn, practice, and test.



**Mental Health** - over 50 addiction and mental health podcasts, updated daily.



**Religion**– Unique to the SecureView tablets are dozens of weekly sermons, religious teachings, and written scripture from various religions and faiths.



**Job View** – search application, exclusively provided through Securus, allows inmates to perform up-to-date local and nationwide job searches in numerous fields- an essential tool for reentry.



**Podcasts** – Inmates have free access to over 400 podcasts ranging from national and local sports, ESPN, national news, comedy, general health, science, technology, talk shows and general entertainment updated daily.



**Radio** – This is beneficial to sites that play audio for the television through a FM radio signal.



**PDF, MP4, and Secure Website Viewer**– Securus can quickly publish any document, video and certified website to the SecureView Tablet program. Many customers publish food menus, schedules and even weather forecasts. In addition, any public website that CASS COUNTY SHERIFF'S OFFICE wishes inmates to access can be made available. We only ask to certify the websites for security purposes. The uses are limitless with the viewer.



**Phone app** – the free inmate tablets allow inmates to use the tablet for phone calling. This increases the availability of phones to be used by inmates. The mobility of tablets to make calls allows inmates to talk in their pods, without being tethered to the phone on the wall. All phone calls go through SCP (Secure Call Platform) consistent with any calls made through existing wall mounted phones. All privileges and restrictions are managed, as they are today, through SCP.





# eMessaging-

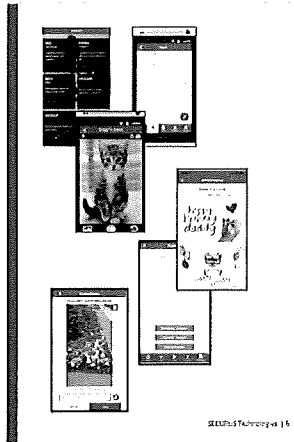
## EMESSAGING FAMILY & FRIENDS

Accessed from free Securix app or [www.securixtech.net](http://www.securixtech.net)

The public can:

- Send Messages (up to 4K characters)
- Receive Messages (up to 2K characters)
- Send photos and Snap n' Send<sup>1</sup>
- Send & receive eCards
- Send 30 second VideoGram <sup>NEW</sup><sup>2</sup>
- Transfer stamps to inmate <sup>NEW</sup><sup>3</sup>
- Prepay for inmate reply
- Block inmates
- Mobile App Push Notifications <sup>NEW</sup><sup>4</sup>
- Get notification if facility rejected message:
  - F&F message
  - Inmate's reply from prepaid reply

  Snap n' Send and VideoGram require Securix app

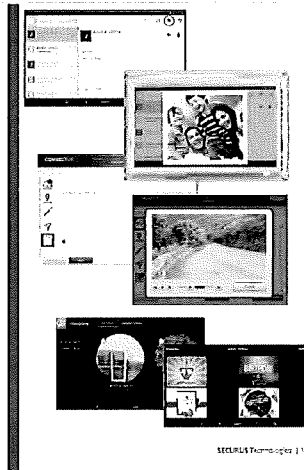


SECURIX Technology | 15

## EMESSAGING -INMATES / RESIDENT

No cost to inmate if family & friends transfer stamps

- Available on:
  - Tablets (Subscription & Community)
  - ConnectUs<sup>5</sup> Terminals
- Inmates can:
  - Receive messages
  - Send messages (up to 2K characters) <sup>NEW</sup><sup>1</sup>
    - Only to people who have previously sent inmate an eMessage
  - Use prepaid reply
  - Receive transferred stamps <sup>NEW</sup><sup>2</sup>
  - Purchase with Inmate Debit funds <sup>NEW</sup><sup>3</sup>
  - Send eCards <sup>NEW</sup><sup>4</sup>
  - View photos and Snap n' Send<sup>5</sup>
  - View VideoGrams <sup>NEW</sup><sup>6</sup>



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## EMESSAGING PRICING FOR FAMILY & FRIENDS

Family and friends purchase 'stamps' to use eMessaging

### Book of Stamps

- # of stamps in a book configurable by facility
- Standard price is \$1.50 each
- Up to \$3.00 transaction fee may apply

5 Stamps \$2.50	10 Stamps \$5.00
20 Stamps \$10.00	50 Stamps \$25.00

### Stamps Required for each communication

App & web	Stamps	
Send Message	1	
Add photo	+1	
Add eCard	+1	
Prepay for reply	+1	
App only	Stamp	
Snap n' Send <small>(Snap n' Send message)</small>	1 each	
VideoGram <small>(30 second video message)</small>	3 each	

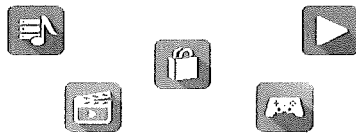
<sup>NEW</sup><sup>6</sup>

There is no cost to facilities that have required inmate terminals & tablets

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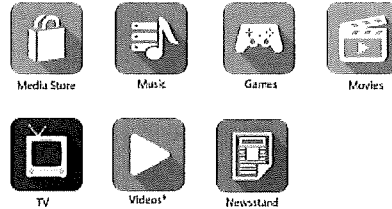
**MAKE MINE OPTION**-Inmates wishing to have **premium** content on their own personal tablet e.g. **“Make Mine”** is offered at \$5.00 (plus Tax) for the first day and the remaining 29 days at no cost. The cost range for premium content would be as follows:

**Premium content includes:**



Songs- \$1.06-\$1.99  
 Games- \$1.99-\$12.99  
 Movies- \$1.99-\$14.99  
 Television Episodes: 0.99-\$9.99

**PREMIUM MEDIA**

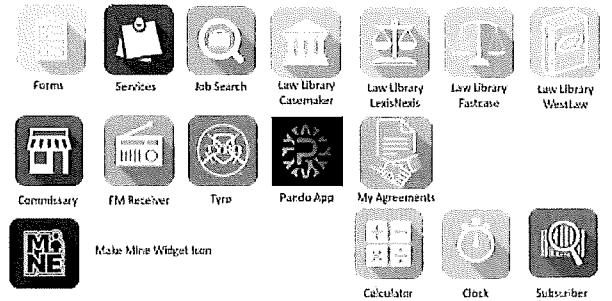


A List of all tablet applications are supplied in the attachment provided; Some of the applications will be available for an additional charge or under the premium media option. Site may request commission on premium media

**ACTUAL APPLICATIONS**



**ACTUAL APPLICATIONS**



**OFFICER TABLET APPLICATIONS**



Digital Mail Center, Law Library, & Video Visitation applications require an additional fee. All applications are completely customizable. You can choose which application you want to have available at your facility.

## Customer Service and Support

- **Best in class** service that you currently receive on your Inmate Telephone system, Tablets and other current services
- **1,500 U.S. based support 24/7/365** supporting Cass County Sheriff's Office at no cost
- **Daily Dedicated Account Management**
  - Dedicated Local Field Technicians
  - Account Director- Greg Wims
  - Account Manager- Alyssa McDonald
  - Client Manager-Lawrence Fantoli
- **Training** available month or quarterly, at no cost to Facility
- **Securus Corporate Headquarters** will allow easy access to the Tech Center which will be available to Cass County Sheriff's Office for hosting events as well as training and seminars.

## Additional Services at No Cost to the Facility

- **Exclusive: Correctional Officer Memorial Fund** - We are very proud to be the first vendor in our industry to launch our own program to assist correctional officer's families in the time of need. The fund provides financial assistance to families of those corrections officers who lose their lives in the line of duty.
- **Technology Center**-Securus offers the state-of-the-art Technology Center to Cass County Sheriff's Office for the purpose of hosting events, and training seminars free of charge.



## Additional Optional Services:

- **Guarded Exchange (GEX)**-Guarded Exchange aids corrections agencies in maintaining a high level of security, by developing investigative tools and strategies which identify pattern changes in offender's behaviors that may signal suspicious activity. Guarded Exchange provides corrections staff verified intelligence leads which allows them to focus on the important tasks at hand, heightening your investigative services now and in the future. (subject to additional cost)
- **Digital Mail Center (DMC)**-Eliminates contraband entering correctional agencies through the postal service by scanning physical mail and delivering it electronically to inmates through Securus' ConnectUs terminals or SecureView tablets.
- **Law Library**
- **Investigator Pro (IPRO)**-Voice Biometrics.
- **Word Alert**-Details in attachment

# **Proposals:**

## **Option 1**

Extend Existing Contract for 24 additional months  
Change Rates as mandated by the FCC to .21/min  
Replace all Current Inmate sPhone Mini terminals with sPhone XL Poe Terminals  
Add Tablets at 1:1 Ratio (including all wiring and infrastructure)  
Add eMessaging to Terminals and Tablets  
Eliminate the Video Visitation Maintenance Cost  
Monthly Fixed Site Commission rate will be \$4,750

## **Option 2**

No Contract Extension  
Change Rates as mandated by the FCC to .21/min  
Replace all Current Inmate sPhone Mini terminals with sPhone XL Poe Terminals  
Add eMessaging to the Terminals  
Eliminate the Video Visitation Maintenance Cost  
Monthly Fixed Commission rate will be \$3,167



## CONTRACT ADDENDUM (2021 FCC ORDER)

This Contract Addendum (hereinafter "Addendum") is by and between the party identified below as Customer ("Customer") and Securus Technologies, LLC (f/k/a Securus Technologies, Inc.) ("Provider") and is subject to and governed by the current agreement for telephone services ("Agreement") between Customer and Provider. Its terms are effective on or about October 26, 2021, and this Addendum will be coterminous with the Agreement.

### BACKGROUND:

On May 24, 2021, the Federal Communications Commission ("FCC") released its Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking (the "Order") In summary, this Order (a) implements new interim interstate and international rate caps; (b) significantly changes the previous industry practice with respect to the rate caps applied to both interstate and intrastate calls; (c) modifies rules relating to ancillary and third party transaction fees; (d) modifies applicable regulation with respect to consumer reporting and cost recovery of site commissions; and (e) provides notice of further proposed rulemaking which will likely have further significant impact on the industry. Unlike prior FCC action in this area, the Order was **unanimous** and **bipartisan**.

### APPLICATION OF FCC INTERIM RATE CAPS FOR INTERSTATE AND INTRASTATE CALLS:

The Order mandates new interim calling rate caps for all interstate calls. See Order, Paragraphs 42-48, 47 CFR § 64.6030(a)-(c). The Order also mandates a new approach with respect to intrastate and local calls. "[T]o the extent that a provider cannot determine that the physical endpoints of a call are within the same state, **that provider must comply with our new interim interstate rate caps for that call.**" Order, Paragraph 41 (emphasis added). Other than landline calls (which are a small percentage of overall calling traffic), Provider cannot currently make an accurate determination with respect to the physical endpoint of the called party, and, therefore, is required to apply the new calling rate caps to most intrastate and local calling traffic as well as all interstate calling traffic. To achieve rate uniformity between landline and non-landline calls, Provider intends to rate landline calls in the same manner as non-landline calls.

**Accordingly, on or about October 26, 2021, if Customer has calling rates that exceed \$0.21 per minute (the rate cap specified in the Order for jails with an ADP < 1,000), those rates will be reduced to \$0.21 per minute.**

### APPLICATION OF FCC INTERIM RATE CAPS FOR INTERNATIONAL CALLS:

The Order mandates a new interim rate cap for all international calls which is calculated using the interstate rate cap described above plus the average per-minute amount paid by the provider to its underlying wholesale international carriers to terminate international calls to the same "international destination" over the preceding calendar quarter (the "International Rate Cap"). See Order, Paragraphs 178-184; 47 CFR § 64.6030(e).

**Accordingly, on or about October 26, 2021, Provider will charge international calling rates equal to or less than the International Rate Cap.**

### AVERAGE DAILY POPULATION:

The Order applies different rate caps to facilities based on their average daily population (ADP). We understand that your current ADP is < 1,000, and the adjustments described herein are based on that assumption. To facilitate compliance with the Order, Customer agrees to update Provider in the event its ADP becomes greater than or equal to 1,000. The Order and associated regulations define ADP as "the sum of all inmates in a facility for each day of the preceding calendar year, divided by the number of days in the year." Order, Paragraph 47, Note 132; 47 CFR § 64.6000.

#### ADJUSTMENT TO TERM:

The term of the Agreement is hereby extended by 24 months. In the event the Agreement has auto renewals or renewal options, those options will continue to be in effect.

#### ADDITION OF TABLETS AND EMESSAGING:

The following Applications are hereby added to the Agreement:

#### **TABLETS**

Provider will deploy free basic community tablets to Facility. In addition to the free basic community tablets, Provider will offer personal rental tablets with premium content. Customer may purchase tablet earbuds at \$5.66 per set, which may be invoiced or deducted from compensation otherwise owed to Customer under the Agreement. Customer is responsible for any applicable taxes and third-party expenses associated with the earbud purchase. Each earbud order must be for at least 25 units and be made in 25 unit increments. Provider may, at its option, decline to fulfill any order that does not conform to these requirements. Alternatively, if requested by Customer, Provider will work with Customer's commissary provider to facilitate the sale of earbuds. Customer will not permit the resale of the earbuds for more than \$19.99 per set unless approved by Provider.

Premium content may include, but is not limited to, songs, games, movies, and television episodes. Customer understands and acknowledges that premium content is subject to availability and may change at Provider's discretion. Premium content also may be subject to third-party licensing agreements with content providers. If Customer provides content for Provider to display on the tablets, Customer represents and warrants that it has obtained all necessary licensing and rights to display such content. Provider is not responsible and hereby disclaims any liability for any and all content of third-party applications and any documents, videos, or forms published by Customer or from outside sources.

For the 12-month period following the Effective Date, Provider will offer personal rental tablets at a promotional rate of \$5.00 per tablet per month plus applicable taxes/fees/surcharges. The subscription fee and premium content fees can be paid by using either Securus Debit or a Tablet user account. The parties reserve the right to renegotiate the \$5.00 promotional rental rate if, after the initial 12-month period, Provider's Tablet-related costs exceed the revenue generated.

#### TABLETS TERMS AND CONDITIONS:

Customer Warranty. Customer represents and warrants that it will not provide tablets to incarcerated individuals whom Customer knows, or has reason to know, pose a threat to other incarcerated individuals or Facility personnel, or who may use a tablet in a dangerous or unauthorized manner.

Nature of Premium Content Service. Customer understands and acknowledges that premium content is rented and available only for the duration of an incarcerated individual's incarceration at the Facility and will not be made available upon the incarcerated individual's release. Content is subject to availability and subject to change.

Use of Investigator Pro and Earbuds. Customer further understands and acknowledges that, in instances where incarcerated individual telephone calls originate from Tablets, Investigator Pro™ has only been tested with Provider's certified earbuds. If Customer elects to sell alternative earbuds, Customer may forgo the effectiveness of Investigator Pro's™ voice identification technology on Tablet calls. Moreover, Customer will refrain from the sale or distribution of earbuds with a microphone other than Provider's certified earbuds.

Disclaimer of Warranties. PROVIDER DOES NOT MAKE AND HEREBY DISCLAIMS ANY WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE TABLETS. PROVIDER DOES NOT GUARANTEE OR WARRANT THE CORRECTNESS, COMPLETENESS, LEGALITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE TABLETS. IN NO EVENT WILL PROVIDER BE LIABLE FOR ANY INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, HOWEVER ARISING, INCURRED BY CUSTOMER OR END USER FROM RECEIPT OR USE OF THE TABLETS OR THE UNAVAILABILITY THEREOF.

Indemnification. TO THE FULLEST EXTENT ALLOWED BY APPLICABLE LAW, CUSTOMER HEREBY AGREES TO PROTECT, INDEMNIFY, DEFEND, AND HOLD HARMLESS PROVIDER FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, DEMANDS, DAMAGES, LOSSES, AND LIABILITIES (INCLUDING ATTORNEYS' FEES AND COSTS) ARISING FROM OR IN ANY WAY RELATED TO CUSTOMER'S OR INCARCERATED INDIVIDUALS' MISUSE OF THE TABLETS.

### **EMESSAGING**

Provider's eMessaging Application ("eMessaging") allows for two-way electronic communication between friends and family and an incarcerated end user. Users purchase eMessaging "stamps," which are used to fund the transmission of an electronic message according to the following chart:

<u>Type of Message (When Available)</u>	<u>Number of Stamps</u>	<u>Notes</u>
Text Message	1 stamp per message	
Photo	1 stamp per photo	Limit of 5 photos per eMessage; 3 MB / photo limit
eCard	1 stamp per eCard	Limit of 5 eCards per eMessage
VideoGram	3 stamps per VideoGram	

Different types of attachments can also be combined in a single transmission.

The facility can access a web-based portal that enables message review, and can approve and reject a message or attachment based on the facility's policies and criteria. Friends and family must send and receive messages using either the Securus mobile app or their inbox at [www.securustech.net](http://www.securustech.net) and must have a free Securus Online account to access. Approved messages and attachments are accessible through certain of Provider's technologies as agreed by Customer and Provider.

With Customer's agreement, Provider may (a) issue future releases of eMessaging which contain additional features and functionalities; or (b) modify the pricing contained herein. Customer understands and acknowledges that eMessaging is a requirement for Tablet deployment. eMessaging will be deployed on both the SVC hardware and the tablets.

Customer is solely responsible for reviewing and approving each message, including (if applicable and permitted by Customer) any attachments. Provider will use machine translation to translate eMessages written in Spanish into English for the sole purpose of Customer review. Customer acknowledges that machine translation is not 100% accurate and that such machine-translated messages may contain grammatical and other errors. Provider makes no representations or warranties regarding the accuracy or reliability of such machine translation.

Provider will provide eMessaging at no cost to Customer. Friends and family members can purchase a book of stamps specific to a facility in the following quantities:

<u>Number of Stamps in Book</u>	<u>Stamp Book Price (Plus transaction fees and all applicable taxes)</u>
5	\$2.50
10	\$5.00
20	\$10.00
50	\$25.00

Where available, using funds in a Securus Debit account, incarcerated end users can purchase a book of stamps in the following quantities:

<u>Number of Stamps in Book</u>	<u>Stamp Book Price (Plus applicable taxes)</u>
1	\$0.50

2	\$1.00
5	\$2.50
10	\$5.00

CHANCE IN SVC SESSION PRICE

The session charge for a 20-minute SVC session is changed to \$7.95, plus applicable taxes.

CHANGE IN SVC PAYMENT OPTIONS:

The \$1,285.00 per month commission deduction described on Page 13 of the Agreement is hereby removed from the Agreement.

SIGNATURES

The person signing this Addendum represents that he or she has the unrestricted right and requisite authority to enter into and execute this Addendum, to bind Customer named below, and to authorize the changes described herein. Except as expressly amended by this Addendum, all of the terms, conditions and provisions of the Agreement shall remain in full force and effect.

**Even if Provider does not receive a signed Addendum, please be advised that Provider must change the calling rates as described herein to be in compliance with applicable federal law and regulation and will do so on October 26, 2021.**

Customer: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



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**CHANGE IN FIXED MONTHLY PAYMENT:**

The fixed monthly commission payment amount described in Section 3 of the First Amendment of the Agreement is hereby changed to \$3,167 per month.

**ADDITION OF EMESSAGING:**

The following Applications are hereby added to the Agreement:

**EMESSAGING**

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