

**STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD**

IN RE:

SECURUS TECHNOLOGIES, LLC

DOCKET NO. TF-2019-0033

**PRISON POLICY INITIATIVE’S COMMENTS REGARDING
SECURUS TECHNOLOGIES’ REVISED TARIFF**

Pursuant to the Board’s order of March 2, 2021, Securus Technologies, LLC (“Securus”) filed a revised tariff in the above-captioned proceeding on April 1, 2021 (the “Revised Tariff”). The Prison Policy Initiative (“PPI”), having previously been granted leave to intervene in this proceeding, submits the following comments regarding unresolved questions concerning Securus’s treatment of unspent customer prepayments.

In its comments accompanying the Revised Tariff, Securus alleges that it complies with Iowa’s unclaimed property laws, but “until this time, Securus has not had the need to remit funds received through its debit account products, prepaid calling cards, and AdvanceConnect Accounts under Iowa Code § 556.4.” Securus Cmts. at 3. Based on Securus’s representations, PPI is satisfied that the systematic refund of unused funds in inmate debit accounts resolves any unclaimed-property compliance issues. Yet, the two other categories of prepaid funds (i.e., AdvanceConnect accounts and tangible calling cards) are still the subject of unresolved issues in need of Board attention.

First, as to AdvanceConnect accounts, PPI joins with the Office of the Consumer Advocate in noting that Securus improperly retains unspent funds by relying on an artificial and trivial distinction between customer “inactivity” and “termination” of services. Based on the information provided by Securus, it appears that Securus can easily identify the date of last activity in connection with an AdvanceConnect account. One year after the last activity, the account should be deemed terminated and the funds should be handled in accordance with ICA §

556.4. Securus has provided no justification for its retention of abandoned property in derogation of Iowa law.

Second, with respect to prepaid calling cards, Securus argues that unspent funds connected with such cards “do not appear to be contemplated by Iowa Code § 556.4.” While this argument may have merit, Securus conveniently ignores the applicability of ICA § 556.9. To the extent that funds represented by calling cards are not utility deposits under § 556.4, then those funds would presumptively be covered by the catch-all provision in § 556.9, which requires remittance to the state treasurer after three years of inactivity. Indeed, calling cards are qualitatively similar to gift cards (also addressed in § 556.9), although they do not meet the statutory definition of a gift card (*see* § 556.9(2)(c)). Thus, while calling cards are not subject to the special five-year dormancy period for gift cards, they are the same type of property that the legislature had in mind when it enacted the miscellaneous-property provisions of § 556.9.

PPI agrees with Securus that inmate calling service carriers’ treatment of unused customer funds would benefit from a comprehensive rulemaking. *See* Securus Cmts. at 6-7.

Dated: April 12, 2021

Respectfully submitted,

PRISON POLICY INITIATIVE, INC.

/s/ Peter Wagner

By Peter Wagner, Executive Director
MA Bar No. 662207, *admitted pro hac vice*
69 Garfield Ave., 1st Floor
Easthampton, MA 01027
(413) 527-0845
pwagner@prisonpolicy.org