

**REMARKS OF FCC COMMISSIONER AJIT PAI  
AT CONTRABAND CELLPHONE FIELD HEARING**

**COLUMBIA, SOUTH CAROLINA**

**APRIL 6, 2016**

I want to begin by welcoming everyone to today's field hearing. The purpose of this hearing is to focus on the public safety threat posed by contraband cellphones in prisons and jails, as well as the technologies that can help law enforcement combat this problem.

We typically think of cellphones as useful devices. But in the hands of inmates, contraband cellphones are weapons. Inmates are using them to run drug operations, direct gang activity, order hits, extort money from inmates' families, defraud the elderly, and harass innocent members of the public.

And right now, contraband cellphones are flooding into our nation's jails and prisons. They are flown into institutions via drones. They are thrown over prison fences. They are smuggled into facilities inside everything from underwear to legal papers.

Governor Nikki Haley and South Carolina's law enforcement and corrections officials have been on the front lines of this fight. So I want to thank Governor Haley for hosting today's event and giving us a great day to be in South Carolina.

This state is all too familiar with the threats posed by contraband cellphones. Let me give you just one example. Before dawn, on March 5, 2010, a gunman kicked in the front door of Captain Robert Johnson's home in Sumter, South Carolina, and shot him six times in the stomach and chest.

It was a hit. It was ordered because Captain Johnson was too good at his job. He was an officer at Lee Correctional Institution not far from here, in Bishopville, South Carolina. He was in charge of confiscating contraband that worked its way into the prison—including cellphones. Inmates were upset that Captain Johnson repeatedly foiled their efforts to smuggle in cellphones. And so, ironically, they used one to order the hit.

Thankfully, after enduring nearly two dozen surgeries and receiving over 60 units of blood, Captain Johnson survived. And he is here today. Captain Johnson is a strong and determined advocate. He is working hard to draw attention to this issue and find solutions so nobody else has to go through what he has.

This morning, I visited Lee Correctional Institution in Bishopville, South Carolina. It was an eye-opening experience.

Warden Cecilia Reynolds began our visit by showing me a massive amount of contraband—dozens upon dozens of cellphones and related accessories like power cables—that officers intercepted in a single bust. I also saw prison cells where slight cracks in the wall can be used to stash contraband cellphones. And I heard many, many times that corrections officers at Lee are always on guard. They spend their days trying to keep everyone in the facility safe (in part by rooting out contraband), and they spend their nights worrying about keeping their families safe. One official told me that inmates tracked his family down on Facebook and made threats credible enough that his son moved out of the state.

Unfortunately, the threat posed by contraband cellphones is by no means limited to the Palmetto State.

Last October, I visited a maximum-security prison in Jackson, Georgia. To put it mildly, I was disturbed by what I heard. Georgia Department of Corrections Commissioner Homer Bryson, Warden Bruce Chatman, and other corrections officers told me that prisoners are using contraband cellphones to extort the family and friends of the incarcerated, putting inmates' safety and lives at risk. For example,

inmates texted the wife of one Georgia prisoner and demanded \$250. When she couldn't gather the money, she was texted an image of her husband with burns, broken fingers, and the word "RAT" carved into his forehead.

In another Georgia case, a woman received images on her phone of her incarcerated boyfriend being strangled with a shank held to his head. She was told that unless she forked over \$300, the beatings would continue. She could only afford to send about half that amount. Sadly, the assaults didn't stop, and after a severe beating, he died.

In Maryland, for instance, an inmate being held in the Baltimore City Detention Center on murder charges used a contraband cellphone to order the murder of a witness to his crime. Shortly thereafter, a 15-year-old gang member shot the witness—a 38 year-old father—three times, killing him in the process.

Contraband cellphones aren't only used for violent crimes. Inmates are also using them to run phone scams and con innocent members of the public out of their hard-earned money.

In one common scheme, inmates pretend to be a law enforcement official. They call someone and claim that he or she owes a large fine for failing to appear for jury duty. Victims are told to purchase prepaid debit cards and to provide the caller with the account numbers. Inmates then transfer the money into their own accounts. In one case, a 78 year-old man purchased \$734 worth of cards at the behest of an inmate serving 30 years in jail for drug offenses.

The sheer numbers are staggering. In one prison, during one 23-day stretch, a detection technology logged over 35,000 call and text attempts.

The bottom line is this: The status quo isn't acceptable. One reason we imprison criminals is to incapacitate them—that is, to prevent them from committing additional crimes. But with contraband cellphones, prisons and jails have become a base of operations for criminal enterprise.

The time has come to end this crime wave. We have to prevent inmates from using contraband cellphones.

The bad news is that corrections officers just can't keep every single cellphone out of prisons. Contraband has always made its way in, and it always will.

The good news is that there are technologies that law enforcement can use to help identify and shut down contraband cellphones.

That's where the Federal Communications Commission, where I work, comes into play. The FCC is the government agency that regulates the nation's airwaves, including the spectrum that cellphones use. In 2013, Chairman Julius Genachowski led the agency to outline technological solutions and tee up regulatory reforms that could make it easier for law enforcement to deploy them. The reforms included measures like streamlining our review of spectrum leases between wireless providers and correctional facilities—leases that are often necessary to deploy solutions. They also included making it easier for wireless providers and correctional facilities to work together to identify and deactivate contraband cellphones.

To date, however, the FCC has not enacted any of these reforms.

I hope today's field hearing will reboot the conversation and build a foundation for a strong response. The FCC needs to do everything it can to help law enforcement combat this problem. I intend to do my part to make that happen.

Now, solving this problem won't be easy. There may not be a simple answer. But I'm convinced that we can make substantial progress if the FCC, wireless carriers, technology companies, and dedicated corrections officers like the ones I met this morning in Bishopville, South Carolina, work together in good faith.

In the weeks and months ahead, I intend to work closely with everyone involved to see if we can find common ground. We owe it to all Americans—victims, witnesses, inmates, corrections officers, and the many others who have been harmed through the use of contraband cellphones—to get the job done.

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Turning back to today's hearing, I would like to thank all of the distinguished experts who have taken time out of their busy schedules to testify. Our first panel of witnesses will focus on the problems presented by contraband cellphones in prisons and jails. Following their opening statements, I'll ask each of them some questions and allow them to respond to each other's views. Then, we will repeat the same steps with our second panel of witnesses, who will focus on potential solutions to this challenge. I'm looking forward to discussing this important issue and learning more about the technologies and regulatory changes that can help law enforcement combat this threat.

But first, it is my honor and privilege to introduce the Governor of the South Carolina, Nikki Haley. I have long admired the Governor's work and commitment to principle. And on a personal level, I have drawn inspiration from her success. For like her, I am the child of immigrants from India who decided to raise a family in rural America. And I have to note that Governor Haley's father has a great name: Ajit.

So Governor, thank you for your leadership, for hosting us in this great state, and for sharing your perspective on the issue of contraband cellphones. We look forward to hearing what you have to say.