

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, GN Docket No. 13-111

This morning, we heard the powerful and moving testimony of Captain Robert Johnson. It was seven years ago this month that a gunman kicked in the front door of his home and ultimately shot him six times in the stomach and chest. It was a hit ordered by an incarcerated criminal on an innocent man.

Captain Johnson was the target because he was too good at doing his job. He was an officer at Lee Correctional Institution in Bishopville, South Carolina. His job was to find and confiscate contraband that worked its way into the system. Inmates were upset that Johnson and his team were cutting off their supply of illegal cellphones. So they used a contraband cellphone to conspire and carry out the attempt to kill him. It is a miracle he survived. Captain Johnson required two dozen surgeries—the most recent of which occurred just last week—and he received over 60 units of blood. Captain Johnson, we are grateful for your service. Mrs. Johnson, we are thankful that you were and have been the Captain's rock over these difficult years. And we are thankful that each of you is here today to bear witness.

Captain Johnson's story is a disturbing example of the seriousness of the threat posed by inmates' use of contraband cellphones. I wish it were an isolated story. But the reality is that it reflects a broader epidemic. For years, contraband cellphones have been flooding into our nation's jails and prisons. They are flown into institutions via drones. They are smuggled into facilities inside everything from underwear to legal papers. And they are even shot into prison yards from make-shift cannons made out of PVC piping. Inmates are using them to run drug operations, intimidate witnesses, direct gang activity, execute kidnappings, extort money from the families and loved ones of other inmates, conduct phone scams, and harass innocent members of the public.

The sheer numbers are staggering. Between 2012 and 2014, more than 8,700 cell phones were recovered in federal prisons alone. That's over 2,000 more than the next most common type of contraband—weapons. In one state prison, during one 23-day stretch, a detection technology logged over 35,000 call and text attempts.

Numbers aside, recent stories illustrate that there is virtually no limit on who or how far an inmate can reach with a contraband cellphone.

For example, a prisoner in California was convicted in federal court in Maine for using a contraband cellphone to run a nationwide drug distribution network.

In Georgia, 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 on his face.

Also in Georgia, a nine-month-old baby was shot and killed after an inmate placed a hit via a contraband cellphone in retaliation for the death of a gang member. The baby's mother, grandmother, and a family friend were severely wounded trying to protect him.

In Maryland, an inmate being held on murder charges used a contraband cellphone to order the killing 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 his front yard.

In North Carolina, a member of the Bloods street gang serving a life sentence used a contraband cellphone to mastermind the kidnapping of the father of the Assistant District Attorney who had prosecuted him. During the abduction, the kidnappers and the inmate exchanged at least 123 calls and text messages as they discussed how to kill and bury the victim without a trace. Fortunately, the FBI rescued the victim in the nick of time and saved his life.

Corrections officials are literally pulling contraband phones out of prisons by the truckload. I have seen it. I've visited Lee Correctional Institution, where Captain Johnson worked. I've spoken with the woman who has his old job. And I've observed a U-Haul-sized trailer loaded down with contraband cellphones pulled out of a prison.

At every facility I've visited—and that includes facilities in Georgia, Kansas, Massachusetts, Pennsylvania, and South Carolina, from minimum security environments to death row—correctional officials tell me the same thing. Finding and removing contraband cellphones is the most dangerous part of their job. A prisoner will do almost anything to hide and keep a cellphone.

As with officers, other inmates, witnesses, and other affected members of the public, this issue is not an abstraction to me. The FCC has an important role to play in promoting public safety and helping law enforcement combat this threat. And in 2013, we voted unanimously to start thinking about how to eliminate unnecessary regulations and bring down the cost of deploying technological solutions.

But for far too long, the FCC did not move forward. That's why, almost one year ago to the day, I met Captain Johnson for the first time at a field hearing I held in Columbia, South Carolina. I said then that it was time for the FCC take action. And I gave Captain Johnson my word that I would do everything in my power to make that happen.

So I'm grateful that today, at just the third FCC meeting I've had the privilege of leading, we are finally doing something decisive. In this *Order*, we eliminate and streamline certain rules to make it easier for corrections facilities to adopt technological solutions. We also appoint an ombudsman who can help all stakeholders work together to solve the problem.

To be sure, this is not the end of the road. There's a long way to go, and more the FCC can and should do. That's why we seek comment on several other potential solutions to this problem, from requiring wireless carriers to identify and disable contraband phones in prisons to exploring the viability of using beacon technology that creates a restricted zone in a correctional facility to stop contraband phones from working.

It is important to note that the FCC cannot solve this problem by itself and the wireless industry has been working alongside the FCC and public safety to do just that. So as we move forward, we will continue to work with all stakeholders—government and private sector alike—to help solve this problem. We're going to get there, working in good faith with everyone, so that one day, we won't hear any more stories like Captain Johnson's.

I am grateful to my colleagues at the Commission for supporting action on this important public safety issue. I am also deeply appreciative of the Commission staff who worked so diligently on this item. Thank you to Melissa Conway, Lloyd Coward, Tom Derenge, Anna Gentry, Nese Guendelsberger, Roger Noel, Moslem Sawez, and Suzanne Tetreault from the Wireless Telecommunications Bureau; to Ira Keltz from the Office of Engineering and Technology; David Horowitz, Bill Richardson, and Anjali Singh in the Office of General Counsel; and to David Furth and Tim May from the Public Safety and Homeland Security Bureau.