

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN
APPROVING IN PART, CONCURRING IN PART**

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

I would like to begin by thanking Captain Johnson for your bravery, advocacy and willingness to share your powerful story with us today. My deepest appreciation goes to you and those in law enforcement, particularly those too often underpaid, overburdened and underappreciated South Carolina correctional officers, who put their lives on the line each and every day.

This past October, as part of our #ConnectingCommunities Tour, I visited the Essex County Jail in New Jersey, with Congressman Donald Payne Jr. We met with correctional officers, inmates and their families, and toured the facility with the Deputy Director.

We spoke at length about the costs of inmate calling services, the challenges faced by families struggling to keep in touch with their incarcerated loved ones, the positive dividends connectivity brings when it comes to inmate behavior and attitude, and the broader societal costs of mass incarceration.

Here are a few figures to consider:

- Fifty percent of those incarcerated were the primary breadwinner for their family;
- Sixty-five percent of families with an incarcerated member were unable to meet their family's basic needs, and seventy percent of these families were caring for children under 18;
- Forty-nine percent of families struggled to provide basic food for their family;
- Forty-eight percent had trouble meeting basic housing needs because of the financial costs of having an incarcerated loved one; and
- The high cost of maintaining contact with incarcerated family members led more than one in three families into debt to pay for phone calls and visits alone.

So when faced with a proposal that has the potential to increase inmate calling costs, I am, naturally, concerned. I absolutely recognize and support correctional facilities' desire, as well as their duty, to combat the contraband wireless device problem, in part, by installing Contraband Interdiction Systems (CISs).

Contraband wireless devices are illegal, and are a safety threat, both to those behind, and outside prison walls. I wholeheartedly support this Commission doing all we can to help law enforcement combat the serious threat these devices, in the wrong hands, enable.

The costs for implementing these systems, however, should be appropriately assigned and the economic burdens should not fall squarely on those families who are not at fault. To that end, I asked the Chairman to require CIS operators to certify, as part of the application process, that the costs for the service would not be passed through to consumers of inmate calling services. My request was rejected, and for that reason alone, I must concur in part.

I also asked the Chairman to make reference to, in the *Order*, the record evidence about the potential impact deployment of CISs may have on the rates inmates and their families pay to keep in touch. While I am disappointed that the Chairman did not acknowledge the first request, I appreciate that he and Commissioner O'Rielly agreed to the latter.

I am also grateful that my colleagues agreed to my request that the Commission institute some form of notice to consumers who reside near correctional facilities that choose to deploy CISs. In particular, the newly established ombudsperson will be charged with maintaining a database of all deployed CISs in the country, and CIS operators will be required to notify the local community of such deployment 10 days before the activation of a new service. I know on a personal level, that this notice will be much appreciated and beneficial to the surrounding community, because the park where I worked out frequently when I lived full time in Columbia, South Carolina, is a mere 1060 yards from a state, Level 1-B correctional facility.

Once again, Captain Johnson, thank you for your selfless commitment to combating contraband wireless devices, and many thanks, of course, are due to the staff of the Wireless Telecommunications Bureau for your hard work on this item.