

## **REMARKS OF FCC COMMISSIONER AJIT PAI**

### **AT THE CORRECTIONS TECHNOLOGY ASSOCIATION'S ANNUAL CONFERENCE**

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#### **[AS PREPARED FOR DELIVERY]**

I want to thank the Corrections Technology Association (CTA) for convening today's panel on contraband cellphones. I wish I could join you in person for CTA's conference, but unfortunately I have prior commitments on the other side of the country.

I'm grateful for the opportunity to share a few thoughts, but before I do that, I want to thank those in the field of corrections for the work you do every day to keep the public safe. As technology professionals, CTA's members play a critical role in furthering the missions of corrections facilities. That includes combating the growing threat posed by contraband cellphones.

Outside of prisons and jails, we think of cellphones as innovative and useful devices. But in the hands of an inmate, a cellphone is a weapon. Inmates are using them to run drug operations, direct gang activity, order hits, extort money from 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. And they are even shot into prison yards from "potato guns" made out of PVC piping—I saw one of those for myself a few weeks ago when I visited South Carolina to hold a field hearing on contraband cellphones.

During that field hearing, I also had the chance to meet Captain Robert Johnson. Six years ago, on March 5, 2010, a gunman kicked in the front door of Captain 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 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.

His story is a disturbing example of the seriousness of the threat posed by inmates' use of contraband cellphones. I am not aware of a single prison system in the country at which officers feel immune.

Examples abound. 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.

In Maryland, an inmate being held on murder charges used a contraband cellphone to place a hit on 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.

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 was able to rescue the victim and save his life.

Unfortunately, these aren't isolated cases. The sheer numbers are staggering. In one prison, during one 23-day stretch, a detection technology logged over 35,000 call and text attempts. Corrections officials are literally pulling contraband phones out of prisons by the truckload.

This issue isn't an abstraction to me. Over the past few months, I have heard directly from corrections officers who are on the front lines. I have visited with guards at prisons in Jackson, Georgia, in Bishopville, South Carolina, and in Leavenworth, Kansas. And later this week, I'll be visiting a correctional facility in Boston, Massachusetts.

The bottom line is this: 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 can help identify and shut down contraband cellphones. Those technologies include beacons that can deactivate cellphones that are found inside a correctional facility, detection systems or "sniffers" that can identify phones in prisons and allow carriers to turn them off, jammers, and managed access systems.

I'm not sure whether any one technology is a silver bullet. But I have heard from many in the corrections field that deploying these technologies is expensive and time-consuming.

I think 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, under the leadership of Chairman Julius Genachowski, the FCC teed up regulatory reforms that could make it easier for law enforcement to deploy technological solutions.

Those 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 included making it easier for wireless providers and correctional facilities to work together to identify and deactivate contraband cellphones.

To date, however, the FCC hasn't enacted any of these reforms. That's a shame, and a disservice to the American public. The FCC needs to show leadership on this critical matter of public safety. We need to leverage the knowledge and experience of CTA members like yourselves, the wireless industry, technology companies, government officials, and others. We need to have a frank and open discussion about the scope of the problem and potential solutions. Working together, in good faith, I am convinced that we can find common ground and make real progress.

So thanks once again to CTA for its leadership on this issue. Thank you for bringing attention to the threats posed by contraband cellphones and the technologies that law enforcement can use to combat them.

I wish you all the best on this year's conference and look forward to working with you to solve this problem.