



Agit Pai, Chairman, Federal Communications Commission
Marlene H. Dortch, Secretary, Federal Communications Commission
445 12th St. SW
Washington, DC 20554

**Re: GN Docket 13-111, FCC 17-25, Promoting Technological Solutions to Combat
Contraband Wireless Device Use in Correctional Facility**

Dear Chairman Pai and Secretary Dortch;

For more than a decade contraband cell phones have infiltrated correctional facilities across our nation and around the globe. Kidnapping, extortion, bribery, witness intimidation, robbery, identity theft, malware attacks, security breaches and other serious crimes are being orchestrated on these smuggled devices. From carrier pigeons to drones, to body cavity to corrupt vendors and staff, cell phones are making their way behind prison walls in large numbers. The phones themselves have allowed inmates to coordinate the introduction of more illegal phones and other contraband. As you witnessed first-hand at your recent meeting, Captain Robert Johnson is but one of the many victims of this plague.

Over a decade ago, state correctional administrators and others started reaching out to their governors, members of congress and the FCC. In the ensuing years, correctional leaders, law enforcement leaders, political leaders and others have begged the FCC for meaningful assistance with this problem. In late 2009, the Safe Prison Communications Act passed the United States Senate, unanimously. Unfortunately, the U.S. House of Representatives never even gave it a vote. In 2013, your agency published the first NPRM on this topic, purportedly seeking technological solutions, but primarily focused on “managed access” type systems.

After more years of inaction following that NPRM, your agency issued a Report and Order and Further Notice of Proposed Rulemaking, on March 23, 2017, followed by the referenced proposed rule.

I am writing today to ask that you amend your proposed rule to include surgical jamming technology, and to provide stringent measures to ensure carrier cooperation with beacon technology, managed access technology and future technologies.

While there are some risks to uncontrolled or unmonitored use of some jamming devices, those risks can easily be mitigated. Section 333 of the Federal Communications Act does not prevent the FCC from authorizing the use of jamming **illegal** wireless device signals. Section 333 merely

prohibits the "willful or malicious interference to **authorized** radio communications." Since cell phones are contraband within correctional facilities, their use constitutes **unauthorized** communications; jamming those illegal signals could not violate Section 333.

Additionally, I am hopeful that you will consider requiring that wireless carriers cooperate and participate in the development of beacon technology, as referenced in your proposed rule. It is my understanding that this technology would use software embedded in phones to provide a 100% solution, while allowing "whitelisting" by correctional agencies as appropriate.

Finally, as we have learned from multiple deployments of managed access technology, all technological solutions require meaningful carrier action and cooperation; not mere lip-service. As the history of this issue demonstrates, your regulated carriers have proven largely disinterested in solving this critical public safety problem: apparently only the FCC or congressional action will compel meaningful cooperation in the wireless industry.

The FCC has allowed this threat to public safety to grow, as potential solutions have languished for want of FCC action, for well over a decade. I urge you to act. Deployments of managed access and other technologies have proven that **we need more, not fewer potential solutions.** Most importantly, no technological approach will be successful unless and until the regulated wireless carriers are required to be part of the solution, instead of being part of the problem.

Thank you for your attention to this matter and feel free to contact me if you have any questions.



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