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July 7, 2010

Mr. Richard J. Orsulak
Emergency Planning and Public Safety Division
Office of Spectrum Management
National Telecommunications and Information Administration
United States Department of Commerce
1212 New York Avenue, NW., Suite 600B
Washington, DC 20005

RE: Safe Prisons Communications Act of 2009

Dear Mr. Orsulak:

Thank you for inviting the comment of government agencies, along with other interested members of the public, in addressing the alarming trend of contraband cell phone use in prisons throughout the country. As the head of one of the largest state correctional systems in the United States, and the former Inspector General in California, I have seen the number of contraband cell phones confiscated in our prisons grow exponentially over the years, and I know too well the potential ramifications of this increase. In 2006 gang leaders incarcerated in Brazil orchestrated large, synchronized riots using cellular phones, reportedly in order to prove their influence, even from behind bars (*Monte Reel; Washington Post Foreign Service; Sunday, May 21, 2006*). And, while the California Department of Corrections and Rehabilitation (CDCR) has no verified case of a contraband device being used in this same manner, or in order to commit a new crime like the heinous one committed in the state of Maryland, it is only a matter of time. As a result of this extreme public safety risk, I believe California and other state correctional agencies charged with protecting institutions and communities must seek all available remedies to prevent these kinds of catastrophic events.

Cellular telephones and other wireless communications devices are being smuggled into California's prison system at an alarming rate. Over the course of two years, between 2006 and 2008, 1,469 cellular phones were discovered and confiscated at our 33 adult prisons. However, in 2009 that number grew to 6,995 based on increased detection and increased smuggling.

In recognition that the problem was urgent and on the rise, CDCR took immediate steps to find and remove cell phones in its prisons. In April of 2009 we implemented a pilot program at one of our institutions that consisted of canines trained to detect cell phones.

The program has quickly expanded and to date there are a total of four dogs available to search for cell phones and six dogs available to search for narcotics and tobacco. Additional dogs are currently being trained to detect cell phones as well as narcotics and tobacco. Our goal is to have at least 11 dogs trained to detect cell phones within our institutions and camps by December 2010. To date, the canine searches have resulted in the confiscation of approximately 150 phones.

Additionally, we have increased searching of inmates, visitors, and staff specifically to identify and seize contraband cell phones. It is largely through these efforts that we seized the phones identified above and more clearly understood the severity of the problem. However, these are only stop-gap measures and more comprehensive solutions are needed.

The urgency for the development, approval, and implementation of multiple technological solutions to prevent the unauthorized and illegal use of wireless communication devices by incarcerated felons is of paramount importance to California, and we believe is a position that your organization should champion on behalf of the public. The interim security measures we have adopted must be augmented by a host of other, more advanced measures that when used in combination will ensure these illegal uses are prevented from occurring at all.

Recently, the state of Maryland was granted an opportunity to conduct a test of cell phone jamming at the Federal Correctional Institution in Cumberland, Maryland, and it is our understanding that both the state and the National Telecommunications and Information Administration (NTIA) collectively agreed that such technologies worked and that there was no interference with federal operations within the test area. These results are very encouraging for other states dealing with these same issues and should be tested and approved in other jurisdictions including California.

The state of California has made great strides in utilizing state-of-the-art technology to improve public services and CDCR prides itself in leveraging a myriad of evolving technologies to enhance its public safety mission. We understand there are other potential solutions also worth exploring such as sensor-driven cell phone detection and managed access systems, and we appreciate the potential for all of these to have limitations and conflicts with other systems, including the impact to our public radio infrastructure. However, it is critical we have the ability working with organizations such as the NTIA, the Federal Communications Commission, state and federal legislative bodies, and the private sector providers to explore all of the available tools and make critical decisions that will yield the highest return on investment. In the case of CDCR, the return is quite simply safer prisons, safer communities.

I strongly support the Safe Prisons Communications Act of 2009, which would give states such as California the opportunity to seek permission from the federal government to jam signals in prisons. We urge the NTIA to support this critical

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legislation which currently awaits action in the House of Representatives after the Senate unanimously passed the Act in 2009.

Again, thank you for the opportunity to comment on this important legislation and to share with you the significant impact of contraband cell phones and their use in California's prisons.

If you have any further questions, please contact Joe Panora, Assistant Secretary, Enterprise Information Services, at (916) 358-2101.

Sincerely,

A handwritten signature in cursive script that reads "Matthew L. Cate".

MATTHEW L. CATE
Secretary

cc: Joe Panora