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

June 11, 2010

Dear Mr. Orsulak:

We write in response to your invitation for public comment about efforts to prevent contraband cell phone use in prisons. The use of cell phones by inmates in America's prisons poses a significant risk to the safety of correctional facilities and communities alike. Heinous crimes orchestrated by inmates using cell phones – like the murder of criminal witness Carl Lackl in Maryland – demonstrate the urgent need for states to have access to every possible law enforcement tool to thwart inmate cell phone use.

Since the beginning of my administration, we in Maryland have worked hard to secure our prisons and the communities surrounding them. Our Division of Correction Canine Unit began training dogs to locate cell phones in June of 2008. To date, these dogs have sniffed out 228 cell phones in prisons across the state. Use of the canine units, in combination with other security practices, resulted in the recovery of 1,658 cell phones in our state fiscal year 2009, a 123 percent increase compared with FY 2007.¹ This year, we are beginning to find fewer cell phones found in our prisons, with only 715 cell phones found in state fiscal year 2010, as of May 2010 (the state fiscal year began in July 2009).

Intelligence from our prisons suggests that our efforts have helped reduce the flow of cell phones into prisons. From July 2009 through April 2010, only 6

¹ In MD State fiscal year 2007 there were 741 cell phones seized, and in MD State fiscal year 2009 there were 1,658 cell phones seized.



percent of all cell phones were found at maximum security facilities. The largest numbers were found at minimum security and pre-release facilities, which accounted for 81 percent of all cell phones found over the same time period. Cell phone interdiction at minimum security and pre-release facilities is more difficult, as inmates are allowed in and out of these facilities more often, and many of the facilities are located in cities, where contraband can be tossed over prison walls without any need to smuggle them past security screeners.

Furthermore, we have invested in better technology to keep our prisons safe, including a \$1 million investment in security equipment for prison entrances, including Bodily Orifice Security Scanner Chairs (BOSS Chairs), 18 new x-ray scanners, and 12 new SecureView scanners. As a result of these efforts, we have begun to see fewer cell phones smuggled through the doors of our prisons as people recognize our commitment to stopping cell phones. As noted above, as of May 2010, only 715 cell phones had been found in Maryland prisons during fiscal year 2010 (July 2009 through May 2010).

Nevertheless, these efforts must be supplemented by the best technology available. Over the past year, Maryland has been actively seeking to test and implement any available technology to prevent and disrupt the use of contraband cell phones. We appreciate that the NTIA granted Senator Mikulski's and my request to conduct a test of cell phone jamming technology at the Federal Correctional Institution in Cumberland, Maryland's only federal prison. We had the opportunity to observe the NTIA's test in Cumberland in February 2010, and we witnessed the effectiveness of the jamming technology first-hand. Moreover, as you know, the NTIA's report on the Cumberland test, released last month, showed that the jamming technology worked within the prison and there was no interference with federal operations within the testing area.

We are heartened that the wireless industry has begun to appreciate the severity of the problem and consented to a demonstration in Maryland of managed access technology. Managed access and other technologies, including sensor-driven cell phone detection devices, certainly show promise. However, we need every tool possible to combat contraband phones, including cell phone jamming capability. As your test demonstrated, jamming works. Moreover, your test demonstrated that jamming can work without interfering with or compromising public safety.

Therefore, we strongly support the Safe Prisons Communications Act of 2009, which would for the first time give states the opportunity to seek permission from the federal government to jam signal in the limited context of a prison, if certain conditions are met. We urge the NTIA to support the legislation,

which passed the Senate unanimously on October 5, 2009 and awaits action in the House of Representatives.

We appreciate the opportunity to comment on the serious national problem of inmate use of contraband cell phones. We urge you to encourage the House of Representatives to follow the Senate's leading in passing the legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin O'Malley". The signature is fluid and cursive, with a large initial "M" and "O".

Martin O'Malley
Governor of Maryland

A handwritten signature in black ink, appearing to read "Gary D. Maynard". The signature is cursive and somewhat stylized.

Gary D. Maynard
Secretary, Maryland Department of Public
Safety and Correctional Services