

**Response to National Telecommunications and Information Administration**  
**[Docket No. 100504212-0212-01]**

**Preventing Contraband Cell Phone Use in Prisons**

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**Overview**

The use of contraband cell phones and other wireless devices in prisons and jails within the United States is now recognized by states' attorneys general, corrections commissioners and directors, and investigative personnel, as one of the most significant and growing threats to corrections facilities, public safety, and in some cases, possibly to national security. While the issue of just how cell phones are reaching inmates is the responsibility of correctional facilities, the fact remains that these phones are still finding their way to the inmates. There are rapidly increasing numbers of incidents in which inmates are acquiring cell phones through various illegal means and using these devices to communicate with gang members on the street, run local and nation-wide drug operations, intimidate witnesses, and in some cases, to order "hits" on selected individuals. Seldom are cell phones used to call "mom." The nature of calls being made using wireless technology is very different than those calls being made on the facility's land line phone systems in that inmates know that the conversations are not being monitored or recorded. Much of the wireless call traffic is gang-related. And where terrorist-classification inmates are incarcerated, simple fifty-dollar GSM cell phone technology now enables these individuals to communicate internationally with immunity.

Whether the problem has local or international implications, corrections security staff must have the ability to control wireless device activity. While the technologies of signal jamming, managed access, and detection-location promise to significantly reduce the problem, each has its own advantages and disadvantages.

**Before a Technology is Selected**

This discussion focuses primarily on the application and benefits of technology as it applies to correctional organizations, rather than the technical aspects of any one technology.

The major question that has to be answered by each correctional organization is whether the intelligence that can be garnered by allowing inmates to transmit and receive cell phone calls is worthwhile to the facility's investigations and intelligence groups. If the intelligence that can be acquired is considered not to be worthwhile, then jamming, or some form of managed access to cell phone calls may be the answer as they provide little or no data saving that can be exploited by investigators. Simply throw a switch, and wireless signals will be prevented from entering/exiting the facility. Problem solved.



However, if correctional intelligence groups value the data that can be acquired from cell phone and wireless calls, then a detection-location technology would be the preference as this technology can not only pinpoint the location of the cell phone making the call in real time but can also data log each parameter of a cell phone call or SMS event and make call location graphics and call data available in both real time and report form. Under this scenario, calls will continue, but investigative staff would acquire critical intelligence of how the phones are getting into the facility and who the inmates are talking to. Intelligence gathering receives a major boost. This is a discussion that each correctional organization should have with its investigative staff before a selection is made of any technology.

### **ICSolutions' Background That Qualifies Us to Render this Position**

ICSolutions has been in the business of developing, installing, and managing inmate call control hardware and software for eight years and we provide inmate telephone systems to over 400 correctional facilities nation wide. Many of the company's principal staff has been in the inmate telephone business in other various companies before coming to ICS since the inception of managed inmate telephony which commenced in the late 1980s. In so doing, we have been directly involved with Federal, state, and county correctional facilities in both the US and UK in developing, installing, and supporting the leading edge of this technology. In particular, we have spent much of our effort working intimately with all levels of correctional facility intelligence organizations. Much of inmate phone technology development has been evolved directly from the requests of prison intelligence organizations and investigators.

The way in which most of prison investigators derive the majority of their illegal activities intelligence is through their inmate telephone call control systems. These systems typically use hardware and software to control all aspects of whom inmates can call, for how long they can talk, for how many times they can call in a given period, etc, and track and report all of this data. Until CALEA was enacted in 1994, it was unlawful for investigators to monitor and record inmate conversations. Inmates could talk freely about any issues and make plans without worry of compromising their plans for escapes, drug deals, "hits", etc, because they knew that conversations could not be recorded. Finally, with the appeals and petitioning of many correctional organizations to state and federal lawmaking agencies, the restriction on recording and monitoring of inmate phone calls was lifted and investigators now had the best possible intelligence gathering tool to date. Recording and monitoring of inmate telephone calls is now a mandatory requirement in almost every Request for Proposal for inmate phone systems. Over the last two decades, the record of foiled escapes, hits, drug deals, and other illegal activities is legendary rendered possible by audio monitoring and recording. Even though inmates and called parties know their conversations are being recorded, they still inadvertently reveal important information to investigators.

### **Our Recommendation**

ICSolutions does not develop or manufacture any type of jamming, managed access, location-detection, or non-linear junction product. Instead, we partner with providers these technologies to help mitigate the contraband cell phone issue. We have been reviewing and experimenting



with the technologies referenced in NTIA's appeal for input long before the contraband cell phone issue came to the forefront. We have discussed these technology options with prison officials and investigators for over five years. In so doing, we have concluded that the majority of investigators would prefer to be made aware of real-time occurrence of cell phone calls, call timing, daily and weekly calling patterns and their precise physical location within the prison facility. This information is only provided by one of the above-mentioned technologies: location-detection. Of the three technologies under discussion, it is the only technology that can assist investigative staff on gathering critical intelligence and sometimes, life-saving information by the real-time displays and data logging that these systems provide to users. And, unlike signal jamming or managed access, detecting and precisely locating cell phones and understanding by whom and how they are being used, provides investigators with an exceptional intelligence advantage that they currently don't have; when inmates know that their landline conversations are being monitored and recorded, their most important calls are being transmitted by wireless. If the signals are jammed or access managed, most of the intelligence information and its opportunities are lost. Further, if any of these three technologies are not deployed in almost a 100% facility-wide coverage, inmates are adept at finding where the dead zones are and the calls can continue. We have installed detection-location equipment from various manufacturers in several prison and jail facilities and have first-hand understanding of the pluses and minuses of this technology.

#### **A Proposed Consideration for Extracting More Inmate Calling Intelligence**

In addition to advocating detection and location technology, we are posing an additional request for decision makers. We are proposing that a review is made of the 1934 global restrictions on wireless recording and monitoring and make a single exception to allow recording of cell phone calls strictly within the physical perimeters of correctional facilities. If this restriction were to be lifted, manufacturers of detection and location equipment would be able to further enhance their technology to trap call signals from the sensors deployed throughout the facility and route the call audio and originating phone information to either stand-alone audio recorders or recorders which are part of the landline call control systems. The intelligence boon to corrections investigations would be incalculable.

We have discussed this possibility with various manufacturers of detection and location equipment and while the ability to demodulate and trap call audio and phone information would require additional product development on their part, it is possible to achieve, and manufacturers might be inclined to do so if the current regulation presented by the Telecommunications Act of 1934 was amended to permit recording of wireless calls within prison facilities. They would also have to see a commitment of the corrections market to go this route to justify the expenditure of funds to develop this capability. Successful deployment of this technology would bring the ability to monitor and record wireless calls within prisons to parity with the inmate telephone systems currently in use across the country in almost every prison and jail. We urge administrative staff to discuss the benefits of this potential option with their investigative staff.



## Summary and Conclusions

- Jamming and managed access may serve as possible solutions for controlling the contraband cell phone and wireless issues within prisons and jails, but they are highly-invasive approaches and along with their technical administrative challenges, would greatly reduce the possibility of gathering important wireless phone call intelligence for prison investigators.
- Detection-location is a non-invasive solution that will not interfere with administrative radios or other facility administrative equipment and can easily be restricted to a physical facility perimeter to eliminate false positives from outside the perimeter. Even with today's restrictions on signal modulation, it can still provide prison investigators with a wealth of relevant information on close-in phone location and details of wireless calls.
- If modification to the 1934 Telecommunications Act were to be amended to remove the restriction on recording and monitoring wireless calls within the perimeter of corrections facilities and jails, equipment providers might consider expanding their product capability to provide these two critical functions. Investigative staff would then be able to monitor and record conversations, and review call records as they are currently doing with the landline-based inmate call control systems and gain a tremendous intelligence advantage.
- Whichever technology is selected, we suggest that it be capable of covering all bands and frequencies authorized for use by the FCC. Any gap between one of the deterrent technologies mentioned herein and the wireless devices being offered in commercial use would quickly render the protection technology useless.
- Further, we suggest that no matter which of the three referenced technologies is selected, that prison and jail administrators deploy the technology throughout the facility to provide as close to 100% coverage as possible. It is our experience that inmates will quickly learn and understand how these technologies work and will experiment to find where the uncovered or "dead" zones are and continue the practice of making and receiving wireless calls.
- Whether the solution is to be paid for by grant or outright purchase, cost is a major consideration. Because all of these technologies are relatively expensive, when comparing costs, it is important to consider the "total" cost of ownership and operation, which includes equipment, installation, hardware and software upgrades, and if required by the technology, the cost of on-going system administration.