

MARK SANFORD, Governor

JON OZMINT, Director

June 10, 2010

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

Dear Mr. Orsulak:

The letter below, which previously appeared in newspapers in South Carolina and Maryland, constitutes South Carolina Department of Corrections' comments to NTIA Docket No. 100504212-0212-01, Preventing Contraband Cell Phone Use in Prisons. No cell phone detection device would have done anything to prevent the vicious attack on Capt. Robert Johnson described below:

In 2007, a federal witness in Baltimore was murdered after a Maryland inmate put out a "hit" using a cell phone. Largely because of that tragedy, in October 2009, the U.S. Senate finally passed the Safe Prisons Communications Act. The purpose of the Act is to allow surgical jamming of cell phones inside of prisons.

Seemingly every week, published reports depict new crimes committed by inmates with cell phones. Just last month authorities in Indiana announced arrests in a methamphetamine ring that was operated by an inmate using cell phones.

Washington politicians can only feign surprise.

Over a year ago, I offered the following prediction: "Unfortunately, it is only a matter of time before another witness, judge, prosecutor, or innocent victim is killed as a result of efforts coordinated by an inmate using a cell phone. When that happens, I hope that the U.S. Senate will remember the warnings of correctional professionals and the recalcitrance of the FCC."

On March 2, 2010, the home of a South Carolina Department of Corrections captain was invaded. The assailant shot the unarmed Captain Johnson six times, leaving him almost lifeless. His bullet-riddled body has since endured almost a dozen surgeries and he still faces more. The reason: because this contraband captain intercepted packages that were thrown over the fence line of his maximum security prison.

The primary contraband in those throw-overs: anonymous, prepaid, cell phones. The tool used to coordinate those throw-overs: anonymous, prepaid cell phones. And, the tool used to put out the “hit” on Captain Johnson: an anonymous, prepaid cell phone.

While cell phones are contraband in prison, contraband can get past even the best detection systems. X-ray scanners, metal detectors, drug and bomb dogs, and the best of search techniques are all creations of human ingenuity and they can all be defeated by human ingenuity. However, surgical jamming technology, already used by our federal government and already used in prisons in other countries, can eliminate this threat.

More than a year after we demonstrated surgical jamming technology here in South Carolina, the FCC finally allowed Maryland to host a demonstration of surgical jamming: both demonstrations proved what the cell phone industry, the federal government and other nations already know: surgical jamming does not interfere with law enforcement radios or block E-911 calls. In fact, it will not block any call or frequency outside of the prison perimeter.

Unfortunately for the Johnson family, by marching in virtual lockstep with the pecuniary interests of the wireless industry, the FCC and the U.S. House of Representatives have demonstrated that the ‘regulated’ can, at times, become the ‘regulator’ and the ‘lobbyist’ the ‘lawmaker.’

In order to get the Safe Prisons Communications Act passed by the U.S. Senate, so many concessions were made to the wireless industry that if the bill became the law tomorrow, it would be at least two years before any prison could get approval for surgical jamming. Even with so many concessions, as soon as the Act passed the Senate, the wireless industry began using its considerable financial resources to influence the U.S. House of Representative and the Obama Administration’s Commerce Department, which immediately weighed in against the bill that passed U.S. Senate unanimously.

Out of respect for Captain Johnson, other victims, and law enforcement officers everywhere, these profit protecting concessions should now be removed from the Act and Congress should pass a bill allowing the immediate use of surgical jamming in prisons and jails. If Congress fails to act, more “hits” will be forthcoming from inmates across the country using anonymous prepaid cell phones.

As I have noted before, I understand why the cellular industry is fighting to protect the untraceable, prepaid cell phone market: the phones are highly profitable.

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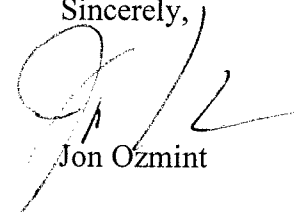
But, the White House, the FCC and Congress are supposed to represent us. Why are they preventing prisons from using the same technology that is used to protect certain federal agencies and employees? Is their safety more important than ours? If cell phones can be jammed in other countries without interference with outside calls, why are our prisons not allowed to jam cell phones? How can one industry buy enough political influence to jeopardize public safety?

Our elected officials and the FCC knew that the threat created by cell phone use in prisons could be eliminated without interfering with outside calls. They knew that the federal government and other countries were already doing so. For over two years, they knew that lives were being put at risk. They knew, and they did nothing.

Last month, Capt. Johnson became the next victim. He is a victim twice: he is a victim of a cowardly criminal; and, he is the victim of a Washington political culture that is more concerned with protecting powerful special interests than with promoting public safety.

Thank you for the opportunity to share the South Carolina Department of Corrections' comments. Please contact Josh Gelinas, Communications Director, at 803/896-8578 if you have any questions.

Sincerely,



Jon Ozmint

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