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**Subject:** FCC Field Hearing  
**Location:** South Carolina Bar, Conference Center, 1501 Park Street, Columbia, S.C.  
**When:** 4/6/2016 2:00:00 PM - 3:30:00 PM

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**APPROVED BY:** NH

**EVENT:** FCC Field Hearing

**DATE:** Wednesday, April 6, 2016

**TIME:** 2:00 PM

**LOCATION:** South Carolina Bar, Conference Center, 1501 Park Street, Columbia, S.C.

**LOCATION SET-UP:** The auditorium at the SC Bar conference Center seats roughly 100 people.  
The room is equipped with:

- A podium
- A table at the front that seats 6 with a mic for each seat
- Streaming capability (the hearing will live-stream)
- 2 projection screens (the state seal will be displayed on one)
- State and US Flag
- Audio/video capability

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**PURPOSE:** Governor Nikki Haley will host a field hearing with Commissioner Pai on inmates' use of contraband cellphones. The field hearing is open to the public. It will be held at the South Carolina Bar Conference Center, 1501 Park St., Columbia, SC 29201. The hearing will also be livestreamed at <http://www.scbar.org/PaiContrabandHearing>.

**PRESS:** Yes.

**PUBLIC:** Yes.

**INVITED BY:** n/a

**INTRODUCED BY:** FCC Commissioner Ajit Pai

**LENGTH OF SPEAKING:** 5-10 mins.

**SPEAKING ORDER/LINE-BY-LINE:**

Opening remarks:

FCC Commissioner Ajit Pai (7 mins)

Gov. Haley (5-10 mins)

First Panel (Problems):

1. Robert Johnson, former SCDC officer that was shot six times in a hit ordered by an inmate using a contraband cellphone.
2. Homer Bryson, Commissioner of GA Department of Corrections, on behalf of the Association of State Correctional Administrators
3. Lura Hudson, Executive Director, SC Crime Victims' Council
4. Mitch Lucan, Charleston County Assistant Sheriff on behalf of the National Sheriffs' Association

Second Panel (Solutions):

1. Marjorie Conner, outside counsel for solution vendor CellAntenna
2. Gerard Keegan, Assistant VP, CTIA, a wireless industry trade association
3. Bryan Stirling, Director, SCDC
4. Dan Wigger, VP and Managing Director for solution vendor CellBlox

**BACKGROUND:**

FCC Commissioner Pai is holding a field hearing on combating the public safety threats posed by inmates' use of contraband cellphones. The two panels are designed to discuss the problems associated with contraband cellphones, and possible solutions to the problem. The FCC is the U.S. government agency that regulates the nation's airwaves, including spectrum that cellphones use. In 2013, the FCC teed up technological solutions and regulatory reforms that could help prevent the use of contraband cellphones. To date, it has not taken further action in that rulemaking.

**TALKING POINTS:**

**NOTE:** Your ask is that the FCC and hopefully Congress will work with states, and take action to help us combat this rampant and dangerous public safety threat.

**General Points:**

- Cell phones in the hands of prisoners present a serious threat to public safety, and yet federal law prohibits state prison systems from using cellphone jamming technology.
- All the while, more and more cellphones are turning up in our prisons and being used to run

- criminal enterprises and even calling in hits on our corrections officers (Officer Johnson example)
- Fortunately, in 2013, the FCC released a Notice of Proposed Rulemaking, teeing-up technological solutions and identifying possible regulatory reforms.
  - These including streamlining the review process for spectrum leases and making it easier for corrections facilities and wireless providers to work together.
- Unfortunately, to date, the FCC has not taken further action on the rulemaking.
- While Congress needs to act to allow states to use signal-jamming technology, to the extent possible, the FCC should act to allow states to implement cost-efficient technologies to prevent contraband cellphone use, including jamming technology where permissible.
- At the very least, the FCC should allow South Carolina and other states to conduct tests with jamming devices to demonstrate the technology's promise and its negligible effect on other private and public lines of communication.
- Hopefully, this hearing will serve to reboot the conversation and build the foundation for a robust FCC and Congressional response.

### **SCDC Vacancies and Turnover:**

- As of January 2016, there were 728 Correctional Officer I vacancies (27.6%), and 900 total Correctional Officer vacancies (including I, II, III, and IV).
- Over the past decade, each year over 40% of correctional officer cadets left the agency by the first year.

### **Examples of Criminal Activity in South Carolina Prisons:**

SCDC Inspector General's records reflect that there are 163 closed cases involving cell phone use. This is not just a South Carolina issue. As we have worked on this hearing, numerous other states have reached out with similar stories, and similar concerns. A few examples from SC:

- Faux Hostage Situation:
  - During a takeover of a living unit, contraband cellphones were used to take photographs of inmate "hostages" that were then sent to a local news station (WLTN). A phone call was also placed to the news station.
  - It turns out the hostages were actually part of the takeover, but the inmates were using the decoys to make demands.
- Assassination Attempt on Corrections Officer (will be testifying on the first panel):
  - Captain Robert Johnson, one of our contraband corrections officers who will testify here later today, was shot six times at his home.
  - The hit was orchestrated by several inmates behind the prison walls.
- Stalking SCDC employee's child:
  - While investigating a threat against the warden at one of our correctional institutions, it was reported and verified that inmates using contraband cell phones were "tracking" the warden's son via facebook.

### **Contraband Cell-phone Technologies Used by SCDC:**

- Managed Access (Pilot no longer in operation):
  - Deploys a secure cellular umbrella over a specified area generally within the bound of a facility.
  - Through use of an authorized list, calls from phones that are approved by a facility will be

- released and allowed to connect with the cell towers. Call from phones not authorized will be captured.
- This technology is extremely expensive, requires constant maintenance, and requires FCC and commercial carrier approval.
- Magnetic Static Detector:
  - It is known as “the pole” due to its design. One in every SCDC institution and also used by the search team.
  - Allows cell phones to be detected in a prison setting whether on or off, and the ability to scan large numbers of inmates in a short time period.
- B.O.S.S. chairs (body orifice scanners) and Metal Detectors:
  - Not particular to cell phones but detect precious metals found inside phones.
- Cellebrite Systems:
  - Allows for the retrieval of documentation and intelligence from the cell phones confiscated from the inmates.
  - Following the successful retrieval of data, they use the Consolidated Lead Evaluation and Reporting (CLEAR) system to find out who is associated with a particular cell phone number in an attempt to develop associations between inmates and other suspects involved in contraband smuggling, including cell phones.

#### **Number of Cell Phones and Cell Phone Accessories Confiscated:**

- Since 2008, nearly 26,500 cell phones and accessories have been confiscated in SCDC facilities.
- 4,107 were confiscated just last year (2015).

#### **USA Today Op-Ed:**

##### **Bars Behind Bars: The Problem of Contraband Cellphones**

by Governor Nikki Haley and Ajit Pai

Before dawn on March 5, 2010, a gunman kicked in the front door of Captain Robert Johnson’s home and shot him six times in the stomach and chest.

It was a hit. And it was ordered because Captain Johnson was too good at his job. He was an officer at Lee Correctional Institution in Bishopville, South Carolina. He was in charge of confiscating contraband that worked its way into the prison—including cellphones. Inmates were upset that Captain Johnson repeatedly foiled their efforts to smuggle in cellphones. So, ironically, they used one to order the hit.

Thankfully, after enduring over a dozen surgeries and receiving over 60 units of blood, Captain Johnson survived. But in the six years since that attack, the public safety threats posed by contraband cellphones have only gotten worse.

Contraband cellphones are now flooding into our nation’s jails and prisons. They are flown into institutions via drones. They are thrown over prison fences stuffed into everything from footballs to dead cats. They are smuggled into facilities inside everything from underwear to legal papers. They are being used to run drug operations, direct gang activity, and victimize innocent members of the public. In South Carolina alone, corrections officials confiscated over 4,000 contraband cellphones and related accessories in 2015.

The problem reaches far beyond the Palmetto State. For example, the wife of one Georgia prisoner received a text demanding \$1,000 from inmates in the same prison as her husband. When she couldn’t gather the money, she was texted an image of her husband with burns, broken fingers, and the word

“RAT” carved into his forehead.

In North Carolina, an inmate used a cellphone to order gang members to kidnap the father of the prosecutor that put him behind bars. The inmate used the phone to orchestrate the abduction, exchanging 123 calls and text messages with the kidnappers. Fortunately, the FBI was able to rescue the victim before it was too late.

The problem with contraband cellphones extends beyond violent crime. Inmates are using them to run phone scams and con innocent members of the public out of their hard-earned money. In one common scheme, inmates pretend to be a law enforcement official. They call someone and claim that he or she owes a large fine for failing to appear for jury duty. Victims who believe the hoax are told to purchase prepaid debit cards and to provide the caller with the account numbers. Inmates then transfer the money into their own accounts.

One reason we imprison criminals is to incapacitate them—that is, to prevent them from committing additional crimes. But with contraband cellphones, prisons have become a base of operations for criminal enterprise.

The time has come to end this crime wave. Inmates’ use of contraband cellphones has to stop.

The bad news is that it’s just not possible for corrections officers to keep each and every cellphone out of prisons. Contraband has always made its way in, and it always will.

The good news is that there are steps we can take to help law enforcement combat this problem. For instance, South Carolina has been leading the fight against contraband cellphones, deploying technologies designed to identify contraband phones and prevent inmates from successfully placing calls.

But there is much more that can and should be done. That’s where the Federal Communications Commission, where one of us works, comes into play. The FCC is the U.S. government agency that regulates the nation’s airwaves, including the spectrum that cellphones use. In 2013, the FCC teed up technological solutions and regulatory reforms that could make it easier for law enforcement to prevent the use of contraband cellphones. To date, however, the FCC has not enacted any of those reforms.

So on April 6, we will be holding a field hearing on contraband cellphones in Columbia, South Carolina. We are pleased that Captain Johnson will be there to tell his story.

We hope this field hearing will help us find solutions for law enforcement and build the foundation for a strong FCC response. We need to make sure that the long arm of the law reaches behind prison walls. And we intend to do everything we can to ensure that happens.

Nikki Haley is the Governor of South Carolina. Ajit Pai is a Commissioner at the Federal Communications Commission in Washington, DC.