

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, GN Docket No. 13-111.

Late last year, the Commission issued a Notice of Proposed Rulemaking to explore whether we should take action to ensure that rates for interstate interexchange inmate calling services are just and reasonable.¹ In that item, we noted that allowing prisoners to maintain regular contact with their family members can help reduce recidivism.²

But while *authorized* phone calls placed by those who are incarcerated can produce real benefits, *unauthorized* phone calls between prisoners and their associates on the outside can be quite dangerous. Take the case of Patrick Byers. In mid-2007, Byers was being held in a Baltimore detention center awaiting trial on a murder charge. Unfortunately, like many of the inmates in that facility, Byers had access to a contraband cell phone. With his trial only 8 days away, Byers used that cell phone to order the murder of Carl Lackl, whom Byers' associates then killed on his front lawn.³ Lackl, a 38 year-old father, was the prosecution's key witness to the crime—an innocent man who suffered the sad serendipity of being in the wrong place at the wrong time.

Unfortunately, stories like this one are not uncommon,⁴ so it's not an exaggeration to say that preventing prisoners from making unauthorized phone calls can save lives. Today's item is an important step towards achieving that goal. I look forward to reviewing the record that will be compiled in response to our Notice and hope that we will act quickly to crack down on inmates' use of contraband wireless devices.

¹ See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Notice of Proposed Rulemaking, 27 FCC Rcd 16629 (2012).

² *Id.* at 16631–32, 16646, paras. 3–4, 48, & n.155.

³ Tricia Bishop, *Murder on Call*, Baltimore Sun (Apr. 26, 2009), available at http://articles.baltimoresun.com/2009-04-26/news/bal-te.md.murder26apr26_1_marcus-antwan-pearson-trial-witness-patrick-byers.

⁴ See, e.g., *Feds: 25 Charged in Scheme to Smuggle Drugs, Cellphones into Baltimore Jail Facility*, Washington Post (Apr. 23, 2013) (“BGF has become the dominant gang at the prison complex, where members used the contraband cellphones to arrange drug smuggling and sexual encounters as well as to warn of investigations and order assaults and murders, according to the court documents.”), available at http://www.washingtonpost.com/local/feds-25-charged-in-scheme-to-smuggle-drugs-cellphones-into-baltimore-jail-facility/2013/04/23/ae12dfd4-ac7c-11e2-9493-2ff3bf26c4b4_story.html; Indictment, *U.S. v. White et al.*, at 10 (D. Md.) (Criminal No. ELH-13-0151, Apr. 1, 2013) (“The availability of contraband cell phones was the crucial device to link and coordinate all BGF criminal activity inside and outside the prison facilities.”).