



FLORIDA
DEPARTMENT of
CORRECTIONS

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July 11, 2013

Federal Communications Commission
FCC Headquarters
445 12th Street, Room TW-A325
Washington, DC 20554

To Whom It May Concern:

The Florida Department of Corrections has reviewed the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (NPRM) - Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities and provides the following comments.

The Department agrees with the FCC's recognition of the serious threat that inmates use of contraband wireless devices pose to employees, inmates, and the public. Inmates use these devices to circumvent existing security controls regarding inmate communication to facilitate further criminal activity, harass and intimidate witnesses and victims. The Department agrees that technology has surpassed existing laws, rules, and policies allowing for inconsistent and ineffective application of sanctions for harmful activities. While the Department supports the FCC's NPRM as written, it is clear that the proposed changes are only parts of a complex approach to a complicated issue. While managed access and detection systems are effective, they are only a part of the solution that must include prohibitive legislation regarding introduction and possession of wireless devices within a secure perimeter, a criminal offense resulting in prosecution, as well as internal measures within correctional systems that address introduction and detection.

The Department supports the proposal to facilitate a streamlined application process for spectrum leases entered into exclusively to combat the use of unauthorized wireless devices in correctional facilities, as well as allowing qualifying leases for managed access, subject to immediate processing and approval. The Department supports required notification to households and businesses near correctional facilities with a managed access system, with the burden for notification on the facility, the managed access provider, and local carriers.

The Department supports the standardization of information provided by correctional facilities to service providers for termination of service for devices detected within a correctional facility. Wireless carriers and detection system providers should come to a consensus on what minimum information the carriers would require and what the detection systems can provide. Standardizing this requirement with specific data points and minimum standards regarding location and number of attempts logged on the system will minimize the possibility of service termination on a legitimate device.

The Department supports the standardization of the method of submission of information provided by correctional facilities to service providers for termination of service for devices detected within a correctional facility. Wireless carriers should come to a consensus on how best to authenticate that a submission is from an approved source. Requests should come from an authorized agent of the correctional system as the militaristic structure of correctional systems allows for easy identification of the specified authorized agent by position/title. Additionally, authorized representatives should submit requests via a method that allows for confirmation of termination as well as an audit trail of all points in the process. It is preferable that the method be

electronic as opposed to a paper process. The submission process should be available anytime and an emergency submission process should be made available for instances where a device has to be terminated to protect life. The Department does not support an intermediate step prior to submitting a request for termination if proper validation standards are in place.

The Department supports performance standardization of detection systems; however, levels of certification would allow variances in service that may have cost considerations, as absolute requirements would only drive costs up. The Department supports carriers or the detection provider providing a message during calling attempts on terminated devices and a process to dispute terminations.

The Department supports a one-hour window for terminations unless there is a documentable life safety issue that would justify immediate termination. The Department does not support allowing carriers to participate voluntarily. Should one carrier choose not to participate that carrier will become the choice service provider for inmates.

The Department is encouraged in the FCC's proactive approach to this serious security issue facing correctional systems. The Department hopes with the proper regulatory oversight as well as input from wireless industry leaders and correctional professionals, that new and existing technology can address this issue to make the public safer.

Sincerely,



James R. Upchurch
Assistant Secretary of Institutions & Re-entry
Florida Department of Corrections

cc: Michael D. Crews, Secretary
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