



STATE OF INDIANA
Department of Correction

Indiana Government Center - South

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Michael R. Pence
Governor

Bruce Lemmon
Commissioner

July 17, 2013

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Proposed Rule
Promoting Technological Solutions to Combat Contraband Wireless Device Use in
Correctional Facilities

Dear Chairman Genachowski:

Please find enclosed for filing our comments related to the proposed rule regarding “Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities”.

As we have previously submitted to the Commission, we would rather the rule address permitting jamming of Commercial Mobile Radio Services (CMRS) within its correctional institutions. However, if CMRS jamming will not be permitted by the Commission, we welcome any additional technological assistance to combat the presence of unapproved CMRS within our facilities.

With respect to the specific issue of managed access systems, we would note that many mobile units used illicitly in correctional institutions are anonymous prepaid units presently sold widely at discount and convenience stores. While prepaid cell phones are popular and serve a useful function, the ability to purchase and use them without *any* record keeping and with complete anonymity is questionable as a desirable public policy. Moreover, it is possible such prepaid units would not be impacted by managed access systems. We urge the Commission to propose rules which will cover, to the greatest extent possible, all forms of CMRS utilized within correctional facilities.

CMRS use within prisons is an unintended negative consequence of the growth of CMRS in recent years. While the industry can be proud that many uses of this technology have enhanced public safety, *e.g.* through E-9-1-1 systems and Amber Alerts, the introduction of this technology into correctional institutions has caused major security problems for facilities, the judicial system, and the general public. Although correctional managers are reluctant to make public details of security problems, there are numerous examples of publicly reported incidents documenting this problem.

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There may be no single solution that will solve this problem in the wide variety of correctional facilities in our State. Given unlimited resources, Petitioner might attempt to address the problem through a variety of technical and nontechnical measures. But Petitioner does not have unlimited resources. The real problem is finding the most cost-effective solutions for correctional facilities that vary greatly in their physical characteristics. While managed access systems cannot prevent all illicit CMRS use in our facilities, Petitioner asserts that carefully regulated correctional facility managed access technology can be part of the package of solutions to protect public safety.

The regulations proposed herein should be appropriately limited. They should err on the side of avoiding any harmful interference to CMRS users outside of correctional facilities and to all other legitimate spectrum users. Recognizing CMRS operators' concerns about an expansion of managed access systems, the proposed rules should be limited to utilization within correctional facilities.

We wish to stress that funding in correctional systems is a critical constraint. Alternatives to managed access systems, like cell phone sniffing dogs or detection teams, can provide only partial relief from the threat created by cell phones, and these alternatives are expensive. Accordingly, we maintain that managed access should be part of the package of solutions to protect public safety.

Any alternative means to combat illicit CMRS has widely varying costs, which in some cases are directly proportional to the size of the facility. The options have direct implications on correctional facility budgets and staffing levels. The budgets and staffing levels for our institutions are controlled by the state legislature, and economic reality limits resources. Petitioner's mission in administering the facilities with which it is entrusted is to protect the safety of the public, their staff, and their inmates within the resources provided. While staffing levels might be increased to a level that reduces all contraband to zero. However, such levels are not practical. Prompt detection of a small CMRS mobile unit may be of limited value if adequate staffing is not available immediately to respond before the location of the mobile changes. For this reason we urge the Commission to adopt rules which will: (1) streamline the process for approving managed access licenses, (2) simplify the process required for facilities to report illicit CMRS use to telecommunications carriers, and (3) allow those carriers to expeditiously turn off service for the illicit CMRS units.

Because of the fiscal challenges facing all correctional departments, we urge the Commission to do whatever is in its power to encourage competition between companies which will provide the managed access systems. It is our hope that such competition will create innovative designs at reasonable prices, allowing correctional agencies to provide enhanced security systems at the most fiscally responsible cost.

The proposed rule will be vital to the preservation of public safety. We agree with concerns related to preventing interference to legitimate spectrum use, but assert that the decision as to whether CMRS managed access will be a method to prevent illicit CMRS use within correctional facilities, subject to strict Commission regulations preventing harmful interference to legitimate spectrum users.

If you have any additional questions or concerns, feel free to contact me directly. Thank you for your assistance in this matter.

Sincerely,



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