

Written Testimony

of

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before the

Federal Communications Commission
Field Hearing on Contraband Cell Phones
South Carolina Bar Conference Center
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Good afternoon and thank you for having me here today on behalf of the National Sheriffs' Association. My name is Mitch Lucas and I serve as the Assistant Sheriff for the Charleston County Sheriff's Office as well as President of the American Jail Association. I am a 30-year veteran of South Carolina law enforcement, beginning my career in with the Beaufort County Sheriff's Office. Since 1997, though, I've been with the Charleston County Sheriff's Office, the largest sheriff's office in South Carolina with 950 employees, a 2,100-bed jail, and full primary law enforcement capabilities. Charleston County is proudly accredited by the Commission on Accreditation for Law Enforcement Agencies, the National Commission on Correctional Health Care, and the American Correctional Association. I have also had the pleasure of working on a wide range of corrections-related issues in the past, including several before the Federal Communications Communications Commission.

I appreciate the opportunity to speak today about the serious and credible threat contraband cell phones pose to the safety of staff and inmates of our jails and to the security of the communities they serve. Law enforcement has learned time and again that inmates can and do use contraband cell phones to conduct criminal activity; to harass witnesses and victims; and to circumvent facility security and authority.

Advances in technology have allowed phones to become smaller with greater capabilities and battery life. For law abiding citizens, those advances have allowed us greater connectivity from a variety of places. For jails, those advances make it more difficult to prevent contraband cell phones from entering our facilities and to detect those phones that do make it inside. A quick online search will show that cell phones are making it inside our facilities with unsettling regularity:

- Just a few weeks ago, investigators at a Tennessee jail discovered a broken window in the jail that had been used to smuggle in cell phones and marijuana. Alongside the phone and drugs were 10 makeshift tattoo guns.¹
- In a Mississippi jail a few months ago, a sweep discovered 29 cell phones, 30 homemade shanks, 22 cigarette lighters, wire cutters, scissors, a variety of illicit drugs, and other contraband.²
- Another Mississippi jail received reports from the local water company of "shirts, cell phones and blankets" being stuffed down county jails toilets jail and causing environmental concerns for local residents.³

¹ Lamb, Jason. "7 Charged For Smuggling Drugs, Phones Into Jail." *WTVF*. 23 Mar. 2016. Web. <<http://www.newschannel5.com/news/7-charged-for-smuggling-drugs-phones-into-jail>>.

² Aldridge, Donesha. "30 Shanks, 13 Bags of Spice, 29 Cell Phones among Items Found in Raymond Jail Sweep." *WJTV.com*. 28 Jan. 2016. Web. <<http://wjtv.com/2016/01/28/30-shanks-13-bags-of-spice-29-cell-phones-among-items-found-in-raymond-jail-sweep/>>.

³ Dent, Duncan. "Shirts Flushed at Jail Causing Sewer Issues." *The Neshoba Democrat*. 23 Mar. 2016. Web. <<http://neshobademocrat.com/Content/NEWS/News/Article/Shirts-flushed-at-jail-causing-sewer-issues/2/297/38225>>.

- One Georgia sheriff estimated that he's confiscated approximately a dozen cell phones in his jail over the last year.⁴
- One Alabama sheriff described how inmates have arranged to have cell phones buried at work or community service sites where the inmate can retrieve and return to the jail with it.⁵
- Last year, an Indiana jail reported finding 6 cell phones, heroin, suboxone strips, and synthetic marijuana over a two day period.⁶

Those are just a few examples from tens of thousands of news stories that appear when you search this topic. I chose a handful of the most recent cases but, if you continued browsing the stories, you'd see more violence and tragedy connected to these contraband cell phones along with other contraband like drugs or homemade weapons. It's a combination that's dangerous for inmates, staff, and our communities.

Sheriffs across the country have made investments to limit opportunities for contraband to enter facilities. Some facilities have chosen to shift to video visitations as that eliminates the possibility of contraband being passed during a visit. Others choose similar low-contact visitation systems for the same reason.

Visits, though, only represent a portion of the opportunities for contraband. Many inmates arrive at a facility with contraband hidden on their person. The Merced County Sheriff's Department (California) is one of many jails with a full-body digital scanner, similar to the scanners many of us see at airports.⁷

The Bristol County Sheriff's Department (Massachusetts) recently purchased portable devices that scan for cell phones and metal inside the facility.⁸ Though only in use for a short time, the devices have located items like a piece of chain link fence that could have been made into a weapon.

⁴ Lee, Maggie. "Bill Targets Contraband Cell Phones." *Albany Herald*. 17 Mar. 2016. Web. <http://www.albanyherald.com/news/state/bill-targets-contraband-cell-phones/article_8eee2bec-d2cb-5b99-9cf7-cbaee1b9f4f6.html>.

⁵ Devine, Andy. "Sheriff Explains How Prison and Jail Riots Can Break out." *Huntsville News*. 14 Mar. 2016. Web. <http://www.waaytv.com/appnews/sheriff-explains-how-prison-and-jail-riots-can-break-out/article_c94ad7d8-ea37-11e5-91ef-7f5905fffb15.html>.

⁶ Click, Fallon. "Clark County Jail Cracking down on Contraband with Sweeps." - WDRB 41 Louisville News. 09 Jan. 2015. Web. <<http://www.wdrb.com/story/27807579/clark-county-jail-cracking-down-on-contraband-with-sweeps?clienttype=generic&mobilecgbypass>>.

⁷ Calix, Brianna. "Body Scanner Helps Merced County Jail Catch Smuggled Contraband." *Mercedsunstar*. 21 Feb. 2016. Web. <<http://www.mercedsunstar.com/living/liv-columns-blogs/article61667212.html>>.

⁸ Brown, Curt. "Sheriff: 'Cellsense' Ferreting out Contraband in Bristol County Jails." *The Taunton Daily Gazette, Taunton, MA*. 31 Mar. 2016. Web. <<http://www.tauntongazette.com/article/20160331/NEWS/160339071>>.

The Muscogee County Sheriff's Office (Georgia) relies on canines for cell phone detection in its jails alongside canines used for drug detection and inmate therapy.⁹ Cell phone detection is simply one more niche area in which a canine can be trained, similar to drugs or explosives, with high rates of success.

As with the stories of contraband cell phones being smuggled into jails, those three examples are not inclusive of every detection option for jails. The options are continuing to evolve, just as criminals continue to think of new ways to smuggle contraband into facilities. Regardless of the way in which a facility chooses to handle their situation, the fact remains that contraband cell phones pose a serious and credible threat to the safety of staff and inmates of our jails and to the security of the communities they serve.

It is imperative that we remember the inmates who continue conducting criminal activity from inside a correctional facility. Who contact a witness or victim to harass or intimidate. Who simply don't believe the rules apply to them. It is those inmates who pose the greatest risk to the public safety.

More importantly, though, we must remember those people who've been harmed by these inmates and their actions. I hope that we can work together to find reasonable solutions to ensure the security of our facilities, the safety of our staff, and the welfare of our communities.

Thank you again, Commissioner Pai, for inviting me here today. I look forward to working with you, your staff, and the FCC on the issue of contraband cell phones in correctional facilities. I'm happy to answer any questions you may have.

⁹ Chitwood, Tim. "Meet Kratos, the Dog Who Guards Government Center." *Ledger-Enquirer.com*. 23 Mar. 2016. Web. <<http://www.ledger-enquirer.com/latest-news/article67790437.html>>.