



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

July 17, 2017

The Honorable Ajit V. Pai, Chairman
Federal Communications Commission
445 12th St. S.W.
Washington, D.C. 20554

**Re: Reply Comment on Report and Order and Further Notice
of Proposed Rulemaking, GN Docket 13-111**

Dear Chairman Pai:

The Human Rights Defense Center (HRDC), which publishes *Prison Legal News*, respectfully submits this Reply Comment for GN Docket No. 13-111 in response to comments filed in response to the Further Notice of Proposed Rulemaking: Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities, issued by the Federal Communications Commission (FCC or the Commission).¹

As noted in our initial comment,² HRDC supports the legitimate efforts of correctional agencies to promote public safety. We do not, however, support initiatives that are implemented due to the corruption and wrongful acts of correctional employees who are allowed to willfully create those potentially dangerous situations and, as such, we disagree with Cell Command, Inc.'s assessment that "only the FCC can ensure the safety of the public again" with respect to contraband cell phones in detention facilities.³ Prisons and jails in this country are charged with and funded to ensure public safety, and to the extent that correctional employees create safety issues that may arise through the use of cell phones by prisoners, those facilities are responsible for any costs associated with the identification and disabling of illicit wireless devices.

¹ FCC Report and Order and Further Notice of Proposed Rulemaking, GN Docket No. 13-111, adopted March 23, 2017.

² Human Rights Defense Center Comment on Report and Order and Further Notice of Proposed Rulemaking, GN Docket 13-111, filed June 19, 2017.

³ Cell Command, Inc.'s Comments in Response to the Commission's Further Notice of Proposed Rulemaking, GN Docket 13-111, filed June 19, 2017.

Multiple examples of guards smuggling cell phones into correctional facilities, as well as the FBI supplying a prisoner with a cell phone as part of an investigation into the Los Angeles County jail system, were submitted with our initial comment.⁴ On July 6, 2017, yet another corrections officer pleaded guilty to smuggling cell phones and drugs into the California Department of Corrections and Rehabilitation's Richard J. Donovan Correctional Facility over a two-year period, in exchange for approximately \$45,000. **See Attachment 1.**

In its comment, the American Correctional Association (ACA) purports to be “vitaly concerned, as a matter of life and death for our members and as a matter of public safety,” and stresses that a technological solution is possible “if the FCC is able to view this as a public safety matter that trumps the FCC’s traditional modes of operation.”⁵ The ACA goes on to “insist” that the FCC use “utmost efforts” to implement a system that “employs existing technology to protect the public and our members from contraband cell phones.” *Id.* While the ACA contends that the number of phones being smuggled into correctional facilities is on the rise, it fails to mention that the smugglers are usually correctional employees – and then complains the efforts required to combat this issue are becoming “burdensome for corrections.” Ensuring public safety that is threatened by the acts of correctional employees should not be “burdensome” to prison and jail officials; it should be dealt with at the source of the problem – guards who smuggle cell phones to prisoners. The refusal to address systemic corruption by public employees is a matter of lack of political will on the part of detention facilities, not a technological issue.

As leaders of the national Campaign for Prison Phone Justice fighting for FCC regulations that will result in comprehensive reform of the prison telecom industry, HRDC finds it interesting that the ACA believes that leaving the selection of specified technologies to the marketplace is an “inappropriate” concept and speaks to “the failure of the market to arrive at a meaningful solution” over decades – much like the complete market failure that has resulted in the price gouging of prisoners and their families for prison phone calls.

HRDC believes that it is totally inappropriate at every level to have prisoners and their families shovel yet more of their limited money into the coffers of the largely hedge fund-owned ICS industry due to widespread corruption by corrections employees and the complete inability and unwillingness of correctional administrators to control and discipline their corrupt staff. To be clear, if these were government procurement contracts where the government agencies were using their own funds to experiment in the boondoggle of MAS technology, we would not be submitting this comment. Rather, our concerns center exclusively around who is going to pay for it and to date it is clear that the corrections agencies and their collaborators in the ICS industry expect prisoners and their families to foot the bill for a problem that is largely caused by corrupt government employees, through elevated ICS phone rates and fees.

This is not surprising, as some of the same companies that provide Inmate Calling Services also have a stake in the technologies that have been developed to combat contraband wireless devices in correctional facilities. Some ICS providers like Global Tel*Link (GTL) stated that fact openly in a comment filed on this docket, in addition to publicly stating that prisoners and their families will incur the cost to combat the greed of correctional facilities and employees:

⁴ Human Rights Defense Center Comment on Report and Order and Further Notice of Proposed Rulemaking, GN Docket 13-111, filed June 19, 2017 (Attachments 1, 2, 3 & 8).

⁵ American Correctional Association Comments on Combating Contraband Wireless Device Use in Correctional Facilities, GN Docket No. 13-111; FCC 17-25, filed June 23, 2017.

Finally, the Commission should address how solutions to combat contraband devices will be funded. There is a growing trend to require inmate calling service providers to include MAS-like services in the bundle of services provided to correctional facilities. In light of the high cost to implement the technologies needed to fight against contraband devices, without a Commission-sanctioned cost recovery mechanism, the rates for inmate calling services are likely to increase when such solutions are required by correctional facilities. It is therefore essential for the Commission to address directly the funding of MAS and other solutions for combatting contraband wireless devices in correctional facilities.⁶

Other companies aren't as transparent. CellBlox Acquisitions, LLC makes no mention in its comment that it is owned by Securus Technologies, Inc. (**Attachment 2**), and does not address cost at all.⁷ In fact, one of the CellBlox comment authors, Dan Wigger (Vice President and Managing Director, Wireless Containment Solutions), was a panelist selected to discuss Managed Access Systems at the FCC's Field Hearing on Contraband Cellphones conducted in Columbia, South Carolina on April 6, 2016, where he also failed to mention that Securus had hired him to "be responsible for the day-to-day management of *our* Managed Access Systems (MAS) business that installs proprietary high tech software preventing contraband wireless device use in prisons and jails in the United States" (emphasis added).⁸

The government, correctional agencies and employees, and guard unions are mainly responsible for the corruption that has been allowed to exist with respect to contraband cell phones; they are the ones who have profited from smuggling phones into facilities. Prisoners and their families should not be required to pay for the greed of correctional employees. Should the FCC move forward with this issue, it should require correctional facilities to bear the cost of any systems implemented to detect cell phones, and ensure that new regulations only benefit those facilities that are doing all they can to deal with this issue as detailed in our initial comment.⁹

Thank you for your time and attention to this important matter.

Sincerely,



Paul Wright
Executive Director, HRDC

Attachments

⁶ Comments of Global Tel*Link Corporation, GN Docket 13-111, filed June 19, 2017.

⁷ Initial Comments of CellBlox Acquisitions, LLC, GN Docket No. 13-111, Filed June 19, 2017.

⁸ Human Rights Defense Center *Ex Parte* Submission, Failure to Disclose Identify of a Securus Technologies Employee, Docket No. 13-111, filed April 7, 2016.

⁹ Human Rights Defense Center Comment on Report and Order and Further Notice of Proposed Rulemaking, GN Docket 13-111, filed June 19, 2017 (e.g., Attachment 9).

Attachment 1

NEWS RELEASE



***OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

***Deputy United States Attorney
W. Mark Conover***

For Further Information, Contact:

**Assistant U. S. Attorney Andrew Young (619) 546-7981
Assistant U.S. Attorney Todd Robinson (619)-546-7994**

For Immediate Release

Former Corrections Officer Pleads Guilty to Drug Smuggling at Richard J. Donovan Correctional Facility

NEWS RELEASE SUMMARY – July 6, 2017

SAN DIEGO – Anibal Navarro, a former Corrections Officer at Richard J. Donovan Correctional Facility, pleaded guilty in federal court today to drug and bribery charges, admitting that he and others smuggled methamphetamine, heroin and cellular telephones into the prison for two years in exchange for about \$45,000.

Navarro entered his plea to one count of Conspiracy to Distribute Illegal Narcotics and one count of Bribery Concerning Programs Receiving Federal Funds. According to his plea agreement, he admitted he was paid by prisoners, their family members and associates to smuggle drugs and cell phones into the prison two to four times a month from 2014 to 2016.

Navarro was arrested by FBI Agents and officials from the California Department of Corrections and Rehabilitations-Office of Internal Affairs on June 26, 2016 as he attempted to smuggle heroin, methamphetamine and cellular telephones into the prison.

Ten additional individuals, including inmates and their associates on the outside, were also indicted by a federal grand jury on charges that they conspired with Navarro to smuggle drugs and cellular telephones into the prison. Their cases are pending.

The FBI encourages the public to report allegations of public corruption to our hotline at (877) NO-BRIBE (662-7423).

DEFENDANT

Case No. 16cr1664-AJB

ANIBAL NAVARRO

Age 39

Chula Vista, California

SUMMARY OF CHARGES

Conspiracy to Distribute Illegal Narcotics – Title 21, U.S.C., Sections 841(a) (1) and 846
Maximum Penalty: Life in Prison

Bribery Concerning Programs Receiving Federal Funds – Title 18, U.S.C., Sections 666
Maximum Penalty: 10 years in prison

AGENCY

Federal Bureau of Investigation – San Diego Field Office

California Department of Corrections and Rehabilitation’s Office of Internal Affairs

California Department of Corrections and Rehabilitation’s Investigative Service Unit

United States Postal Service – Inspection Service

San Diego Police Department

Attachment 2

SECURUS HISTORY

For more than 25 years, corrections industry constituents - facilities, inmates, and the family and friends of inmates - have relied on Securus Technologies and its predecessor organizations for communication solutions designed to fulfill their specialized needs. In recent years, Securus has strategically executed a revolutionary growth plan by acquiring organizations offering complimentary products and services beyond communications, fortifying Securus' position in the industry as the leading provider of full-spectrum Civil and Criminal Justice Technology Solutions.

We will continue to build our story by connecting what matters to our partners and customers. Please explore our timeline.

2015

January 29th, Securus launched the industry's most comprehensive set of inmate services with the ConnectUs operating system, the first inmate-facing operating system of its kind on the market, which automates critical operations for corrections agencies while delivering unlimited applications to inmates

January 14th, Securus acquired CellBlox, a leading provider of Managed Access Systems (MAS) that limit the use of contraband wireless units in prisons and jails

2014

November 21st, Securus acquired exclusive rights to Jobview's 2nd Chance™ application where Securus will distribute their application throughout the corrections industry to help reduce recidivism

November 11th, Securus entered into an exclusive distribution agreement with Vanu, Inc. where Securus will provide managed wireless access systems that will limit the use of contraband wireless units in prisons and jails in the United States

November 6th, Securus installed the largest corrections video visitation project in the United States for Maricopa County, Arizona, with construction of a 600 Video Visitation Terminal Project allowing inmates to receive worldwide video calls

August 1st, Securus purchased selected assets from General Security Services Corporation ("GSSC") adding additional services to its industry-leading GPS offender monitoring business and expanding base of customers for STOP

June 11th, Securus acquired JLG Technologies and affiliated companies, the leading supplier of continuous voice biometric analysis and investigative tools to the corrections and law enforcement sectors

March 3rd, Securus acquired Telerus, the leading provider of sophisticated automated interactive voice response systems to the corrections sector throughout the United States

2013

December 20th, Securus acquired Satellite Tracking of People (STOP), LLC., the leading provider of active global positioning systems (GPS) based offender monitoring devices in the United States

November 18th, Securus acquired Archonix Systems, LLC, the leading provider of jail management systems, emergency dispatch, court monitoring, and business intelligence systems for the corrections, law enforcement, government services, and emergency management sectors

June 10th, Securus launched newly redesigned Website and account management portal, Securus Online, transforming the family and friend customer experience by providing a new, mobile-enabled Web experience that unifies all Securus communication services under one account

April 30th, Abry Partners acquired Securus Technologies from Castle Harlan

2012

July 3rd, Securus acquired DirectHit Systems, Inc., a provider of sophisticated investigative, data analysis tools for law enforcement and corrections clients (THREADS™ Product)

March 19th, Securus acquired Primonics, Inc., a leading provider of video visitation services to the corrections industry

2011

May 31st, Castle Harlan acquired Securus Technologies from H.I.G. Capital

January 6th, Securus completed transformation of its sophisticated customer service call center to a 225 set in-sourced operation providing service 24 hours a day, 7 days a week, 52 weeks a year, in order to support the largest and best-equipped call center in the industry

2004

September 9th, H.I.G. Capital acquired all outstanding Evercom stock. The merger of the two correctional industry giants—T-Netix, Inc. and Evercom Systems, Inc.—formed the company, Securus Technologies, Inc.

March 5th, H.I.G. Capital, a Miami-based private equity firm with more than \$1 billion of equity capital under management, purchased the outstanding shares of T-Netix, Inc. common stock.

1996

Evercom Systems, Inc., formerly Talton Holdings, was incorporated. Over the next several years, Evercom grew through acquisition. The company acquired several inmate telephone service providers across the United States with a strategy built on becoming the leading correctional industry telecom provider to facilities nationwide

1992

T-Netix, Inc. acquired eight affiliated companies in the inmate phone business and the assets of two other companies

1988

Tele-Matic merged with Star Ventures, Inc.

1986

T-Netix, Inc. began under the name Tele-Matic Corporation, which was incorporated in 1986

LATEST PRESS RELEASE: Securus Announces 100% of all Prison and Jail Customers Have Been Converted to Our Voice Over Internet Protocol State-of-the-Art Secure Calling Platform (SCP)
([https://www.securustechnologies.com/securus-history/-/asset_publisher/pg10725/content/securus-announces-100-of-all-prison-and-jail-customers-have-been-converted-to-our-voice-over-internet-protocol-state-of-the-art-secure-calling-platfor?](https://www.securustechnologies.com/securus-history/-/asset_publisher/pg10725/content/securus-announces-100-of-all-prison-and-jail-customers-have-been-converted-to-our-voice-over-internet-protocol-state-of-the-art-secure-calling-platfor?inheritRedirect=false&redirect=https%3A%2F%2Fwww.securustechnologies.com%2Fsecurus-history%3Fp_p_id%3D101_INSTANCE_pg10725%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3D)

https://www.securustechnologies.com/securus-history/-/asset_publisher/pg10725/content/securus-announces-100-of-all-prison-and-jail-customers-have-been-converted-to-our-voice-over-internet-protocol-state-of-the-art-secure-calling-platfor?inheritRedirect=false&redirect=https%3A%2F%2Fwww.securustechnologies.com%2Fsecurus-history%3Fp_p_id%3D101_INSTANCE_pg10725%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3D

[About Securus \(https://www.securustechnologies.com/about1\)](https://www.securustechnologies.com/about1)

[Securus History \(/securus-history\)](/securus-history)

[Press Releases \(/about-us/press-releases\)](/about-us/press-releases)

[Social Responsibility \(https://www.securustechnologies.com/corrections-officer-memorial-fund1\)](https://www.securustechnologies.com/corrections-officer-memorial-fund1)

Careers

[General Information \(https://www.securustechnologies.com/general-information\)](https://www.securustechnologies.com/general-information)

[Opportunities \(https://careers-securustech.icims.com/\)](https://careers-securustech.icims.com/)

Legal / Regulatory

[Tariffs \(https://www.securustechnologies.com/tariffs\)](https://www.securustechnologies.com/tariffs)

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