

SUBMITTED TO U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

TESTIMONY OF MR. JAY SALKINI,

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S. 251: SAFE PRISONS COMMUNICATIONS ACT

TUESDAY, JULY 28, 2009

I would like to thank Chairman Rockefeller, Ranking Member Hutchison and the distinguished members of the Senate Committee on Commerce, Science and Transportation for giving me the opportunity to submit testimony on the Safe Prisons Communications Act pursuant to the Committee hearing on July 15, 2009. I would also like to express my appreciation for the work you are doing to address a serious public safety issue that is truly national in its scope.

Tecore Networks is a global supplier of wireless technologies with a proud history of doing business in the great states of Maryland, Texas and Florida. We have served commercial mobile service providers and government agencies since 1991. Cellular technology is proliferating around the globe, and its growth can create unintended consequences. However, solutions should be considered carefully and with appropriate technical information in order to maintain the benefits that this technology provides.

Based on our successful deployment of a proprietary and legal technology to address contraband cell phone use in a correctional system, we have become more aware of the scope and size of the problem throughout the United States. In fact, our analysis shows that as many as

27,000 cell phones might have been smuggled and used behind bars nationwide in 2008, with each phone typically being shared among multiple inmates.

While I am in complete agreement with the intent of S. 251, I am concerned about the emphasis on jamming as a solution. Jamming is a specific technology which would prevent unwanted cell phone calls by blocking any and all cellular communications in the covered geography. Unfortunately, due to the difficulty in effectively modulating jamming devices, such communications would likely include some combination of calls:

- by legitimate customers of the commercial operators who happen to be in an area covered by the jamming signal;
- to 911;
- from corrections personnel or other authorized individuals inside the correctional facility; and
- intended for lawful intercept, a critical tool for public safety.

In short, jamming poses significant risks to the public which may outweigh potential benefits. By emphasizing jamming in the legislation, it could well become the focus of corrections officials seeking a solution despite the availability of more effective, less invasive technologies. I respectfully urge the Committee to expand the scope of applicable solutions to include those which control or manage unauthorized communications rather than simply jam them.

At the same time, I fully support the corrections officers of this nation in their quest for effective tools to address this problem. It is clear that these men and women have gone to considerable lengths to try alternative solutions, including body orifice scanners, cell-phone sniffing dogs and cell-phone detection technologies. Evidence shared during the hearing revealed that simply confiscating a cell phone is not enough; the critical component allowing communication on many phones is the subscriber identity module (SIM) card, which is the size of a postage stamp, can easily be removed from the phone, and can be used by an inmate on any compatible device.

An effective solution should:

- prevent unauthorized communications without the need to locate the device;
- permit legitimate communications including calls from authorized devices, to 911 or by consumers not subject to the restrictions of the correctional facility; and
- to the extent possible, provide forensic information to assist law enforcement, such as device and SIM serial numbers, originating and terminating telephone numbers, and – with the appropriate warrants – capture and monitoring of communication traffic including voice, text messaging and data.

The trials of alternative technologies have also revealed that there are multiple stakeholders in an effective solution to the problem of contraband cell phones in prisons. The requirements of the correctional institution are central to any remedy. However, based on Tecore's experience in providing communications systems, I also recognize and support the needs of the following parties:

- commercial mobile service providers must be afforded their rights and allowed to discharge their responsibilities to serve valid subscribers; this includes avoiding the liability of failing to complete an emergency call for such a subscriber
- public safety agencies must also be assured that frequency bands assigned to them will be unimpeded; and
- regulators must be provided clear direction and mandates in line with the resources they have to fulfill them.

In summary, I respectfully request that you strengthen the Safe Prisons Communications Act by broadening the scope of solutions beyond jamming to include those which control or manage unauthorized communications, and by addressing the needs of all stakeholders including commercial mobile service providers, public safety agencies and regulators.

Thank you.