



# Department of Public Safety and Correctional Services

## Office of the Secretary

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## Testimony of Gary D. Maynard, Secretary Maryland Department of Public Safety and Correctional Services

### S. 251, The Safe Prisons Communications Act of 2009

July 15, 2009

DIVISION OF CORRECTION

DIVISION OF PAROLE AND  
PROBATION

DIVISION OF PRETRIAL  
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION  
ON CORRECTIONAL  
STANDARDS

CORRECTIONAL TRAINING  
COMMISSION

POLICE TRAINING  
COMMISSION

MARYLAND PAROLE  
COMMISSION

CRIMINAL INJURIES  
COMPENSATION BOARD

EMERGENCY NUMBER  
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

Good afternoon Mr. Chairman and members of the Committee. My name is Gary Maynard, and I serve as Secretary of the Maryland Department of Public Safety and Correctional Services.

As a member of the Association of State Correctional Administrators, I am here today to support S. 251, the Safe Prisons Communications Act of 2009.

I have been involved in corrections for 39 years, working at the Federal Bureau of Prisons and in five states, serving in four of those as head of the corrections system.

I have also served as President of the American Correctional Association.

Throughout my career I have had an opportunity to develop successful prison management practices. For those of us in this field, one of the most important functions is the security of our prisons and the overall safety, not only of the institution and the people inside, but of the community at large.

One of the leading contributors to criminal behavior has been the recent spike in gang activity and the violence associated with it.

Many gangs are using the prison system as a recruiting ground, building their numbers and jeopardizing the safety of our institutions and the communities to which they will return.

These groups seek out ways to continue to operate their criminal activity from prison – most often through the use of cell phones. The introduction of cell phones within our prisons is growing at an alarming rate.

For example, in California, prison officials reported that they collected over 2,800 cell phones last year, two times the amount found the previous year.

Victims and public officials are being threatened, harassed, and even killed by prisoners with access to cell phones.

Phones can be brought into prisons in a variety of ways. They are smuggled on or within an inmate's body, by staff, by visitors, tossed over the fences or walls, concealed within deliveries or shipments of food and supplies, or through contractors.

Recently, a detainee who was housed within our Division of Pretrial Detention and Services was convicted of ordering the death of a young man in Baltimore. He made the call from a smuggled cell phone within our facility.

Maryland is not the only state facing these types of problems. In Texas recently, a death row inmate used an illegal cell phone to call and threaten a State Senator.

In West Virginia, a correctional officer at the Federal Prison in Hazelton was indicted for smuggling a phone into the facility for an inmate.

This past year in Massachusetts, a maximum security inmate threatened a medical staff member with a cell phone in an attempt to coerce her into bringing a gun or other weapon into the prison – a plan that was prevented by quick action on the part of the Massachusetts Department of Correction.

In Nevada, an inmate escaped through the use of a cell phone which was introduced to the facility through a compromised staff member. During his escape he committed three armed home robberies, a kidnapping, and auto theft.

In Washington State, correctional officers have been terminated and are facing criminal prosecution for their role in introducing into the facilities cell phones that were used to support drug activity.

Cell phones were used to plan two escapes from prisons in Kansas. In one of the cases, a cell phone was used to deliver instructions to an accomplice outside of the perimeter of the facility in order to avoid perimeter patrols – allowing the accomplice time to cut the fence and deliver weapons. One escape ended in a high speed chase and the second in a shoot out with local law enforcement. Although no one was killed, the presence of cell phones in the prison system allowed the threat and possibility to exist.

In South Carolina, inmates have used cell phones to coordinate escapes, smuggle contraband, and commit credit card fraud for thousands of dollars.

### The Solutions

In response to this growing problem, many States, including Florida and New Jersey, have passed legislation making the possession of a cell phone within prison a felony – something we hope to do in Maryland this year, where it is currently a misdemeanor offense.

Moreover, the corrections community has continued to expand efforts to prevent the flow and use of cell phones within our institutions. Increased efforts have been made in cell phone interdiction.

Corrections officials across the country are making every effort to prevent phones from entering the institutions through enhanced technology, searches, and other unconventional methods.

For example, in Maryland, we have established a Corrections K-9 Unit – dogs trained to sniff out cell phones. Since June 2008 our K-9 unit has detected 85 phones across the system.

This strategy has been replicated in other states, including West Virginia, South Dakota, Florida, and Arizona.

In addition, like many other states, we have invested in technology and policies to enhance our ability to control the introduction of cell phones. All of these efforts will lead to increased confiscation of cell phones and other contraband, but no matter what security measures are put in place, we can not possibly eliminate this threat altogether.

As I mentioned earlier, phones are smuggled into our prisons in a variety of ways – on or within an inmate’s body, by visitors, by staff, tossed over the fences or walls, concealed within deliveries or shipments of food or supplies, or through contractors.

While we are able to implement security measures to address each of these areas, our inmate population has time to think of ways to beat the system, and they are innovative and imaginative.

The continued use of cell phones by incarcerated individuals to continue their criminal behavior puts the public’s safety in jeopardy.

We need to be able to rely on a better method to prevent the use of cell phones.  
We need to fight technology with technology.

This bill would provide correctional administrators with the opportunity to petition the Federal Communications Commission and request the operation of a wireless jamming device within a prison, penitentiary, or correctional facility.

This would allow us to evaluate the technology and substantially improve our ability to control criminal behavior in our prisons.

We do not believe that signal jamming will be the total solution, but it will put another option at the disposal of State correctional administrators.

The states and the federal government have an equal interest in prison security. There is no legitimate reason why State correctional administrators should be denied the opportunity to seek a tool, already available to the federal government, to further secure prisons.

Last year, the South Carolina Department of Corrections successfully demonstrated cell phone jamming within a prison without blocking cell phone service for people outside.

Texas, Washington, DC, and Maryland have all asked for the ability to pilot the same type of system. We feel certain the technology works.

In order to provide safer prisons and safer communities, we respectfully ask that you give favorable consideration to the Safe Prisons Communications Act of 2009. In our view, illegal cell phone use by inmates in our nation's prisons is an issue that goes to the heart of our country's public safety.

Thank you.