

**CONTRABAND WIRELESS COMMUNICATION
DEVICES WITHIN TEXAS PRISONS, PRESENTATION
BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSPECTOR GENERAL JOHN M. MORIARTY TO THE
UNITED STATES SENATE COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION**

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Contraband Wireless Communication Devices within Texas Prisons, Presentation by Texas Department of Criminal Justice - Inspector General John M. Moriarty to the United States Senate Committee on Commerce, Science and Transportation, July 15, 2009

Mr. Chairman and members of the committee, thank you for allowing me to testify here today in support of Senator Hutchinson's Senate Bill 251 on the jamming of illegal wireless communication devices in prison facilities. My office initially became aware of the severity of the problem in 2004 and has been conducting criminal investigations on cell phones inside the Texas prison system since that time.

In March of 2004 investigators from my office were working an organized crime case involving a violent prison gang. In the course of the investigation, information was developed that a ranking member of the gang ordered the murder of another member from inside of a maximum security prison by using an illegal cell phone. We intervened before the murder could take place. This case resulted in the arrest and conviction of a corrections officer for Bribery and the termination of two others.

Texas was the first in the nation to enact legislation to make it a felony crime to provide a cell phone to an inmate. Despite these and many more aggressive steps, the problem has continued to grow. I believe that in order to fully appreciate the challenge that state systems face, you must understand how large several of the state penal systems are. Texas has 156,000 inmates incarcerated in 112 secure facilities. California, New York and Florida also have large numbers of inmates. The larger the

number of inmates incarcerated the larger the illegal wireless communication device problem.

There is a false belief that when a person is incarcerated they stop committing crime. Criminal law enforcement investigators who operate inside of the state prisons have a very difficult job. Unlike free world criminal investigators, the prison criminal investigator is dealing daily with hard-core, street-smart convicted felons, in most of their investigations. Many state prison systems do not have state police criminal investigators embedded within the system as Texas does, and face an even bigger challenge to investigate the origins of these phones.

We have identified three primary sources of these devices:

1. Carried on the person of corrupt employees or contractors.
2. "Dropped" in a specific location then smuggled into the facility by inmates.
3. Concealed in packages shipped into the prison facilities.

In one undercover investigation, an investigator from my office posed as a member of the Texas Syndicate prison gang. He arranged a meeting with a corrupt corrections officer in a parking lot in Houston and provided her with a cell phone, \$400.00 and a small quantity of Heroin. During the meeting the officer detailed that she was working for all of the gangs smuggling cell phones. It is all about the money.

In the case involving an offender from death row contacting Senator John Whitmire, the investigation revealed that the cell phone had passed through a dozen inmates or their family members before it reached its destination on death row.

The extensive search procedures enacted on October 20th, 2008, for all persons and items that enter their facilities included pat searches, metal detectors and x-rays. As the search procedures became more comprehensive the smuggling methods also changed. The inmates and corrupt employees in some cases have changed their operational techniques by resorting to secreting the devices in their body cavities in order to get past the search procedures. Conducting body cavity searches is permitted only under extreme circumstances due to the intrusiveness of the search. This search technique is not taken lightly and persons involved in smuggling also know this.

Devices have been recovered in shipments of goods delivered to the prisons. In one case an air compressor was intercepted and 75 devices recovered from the tank. This is an ongoing battle for all the corrections departments in the country. Investigations have shown that quite often one phone may be used by numerous inmates using several different SIM cards. A SIM card is about the size of a postage stamp. In a search of one inmate, he had 4 SIM cards placed vertically into the heel of his shoe. Due to their small size they are very difficult to detect. The use of some very sophisticated counter-measure devices has been attempted and has not been very successful in the prison environment.

The smuggling of cell phones has become a national issue in the corrections' public corruption arena. In Texas, investigations have revealed that the cost to have a cell phone smuggled inside a prison range between \$400.00 to as high as \$2,000.00 on Death Row. We have also developed evidence that money from foreign nationals involved in the anti-death penalty movement was utilized to facilitate some of these

organized smuggling operations. Since 2004, my office has aggressively investigated 2,098 illegal wireless communication device cases and obtained 2,035 subpoenas for wireless records. On October 20, 2008, Governor Perry ordered a system wide lockdown. 949 cell phone investigations have been opened by my office since that time.

These investigations have shown that these illegal devices have been used in organized criminal activity involving, prison gangs, drug trafficking, homicide and solicitation of capital murder to name a few of the offenses. As you can imagine this is a massive drain on our investigative resources.

I have been dealing with this problem on a daily basis since 2004 and have conducted extensive research into the issue, and in my opinion the solution is the targeted jamming of correctional facilities. The drug cartels operating across the border from Texas have a lot of assets to attempt to corrupt correctional staff to violate the law. Texas is very aggressive in the protection of its border, and hence the prison system ends up with cartel and gang members in custody. Investigations have revealed that inmates with Mexican drug cartel ties have been communicating through these illegal phones. The termination of the usefulness of the device by permitting jamming within the confines of the prison is the most logical solution to ensure public safety.

As the oversight authority for the system, it is my opinion that the state of Texas has utilized all available resources to interdict cell phones from entering and operating within the prisons. Signal jamming is the key component missing. The current situation

is a serious national threat to public safety that can only be properly rectified by passage of this legislation.

Mr. Chairman, I thank you again for this opportunity. I would be happy to take any questions you might have.