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July 27, 2009

The Honorable John D. Rockefeller, IV
Chairman
Committee on Commerce, Science &
Transportation
United States Senate
Washington, D.C. 20510

The Honorable Kay Bailey Hutchison
Ranking Member
Committee on Commerce, Science &
Transportation
United States Senate
Washington, D.C. 20510

Dear Chairman Rockefeller and Ranking Member Hutchison:

We are writing in support of S. 251, a bill that would allow States to jam cell phones that inmates illegally use within State correctional facilities. Specifically, the bill would allow States, with permission from the Federal Communications Commission, to install devices that prevent, jam, or interfere with wireless communications within the boundaries of a specific prison, penitentiary, or correctional facility within that State. This is a critical tool that law enforcement currently lacks. We, the Attorney General and the Commissioner of the Department of Corrections of the State of New Jersey, strongly urge the Senate to approve this bill and provide states with the ability to end cell phone transmissions within our prisons.

In New Jersey, our efforts to remove violent gang offenders from our state's communities are undermined, as they are in many states, by the ability of those same individuals to communicate with fellow gang members and operate their criminal enterprises from within the prison walls by using cell phones. Using contraband cell phones, incarcerated individuals have the ability to intimidate witnesses through threats and violence, to conduct business as usual, and to coordinate escapes with persons on the outside. In one instance in our State, law enforcement was able to monitor a phone call placed by a gang inmate on a cell phone and subsequently joined by an inmate at a different prison and a third inmate at a county jail. This conference call is notable not only for the breadth of participation by incarcerated gang members at different



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correctional institutions, but for the topic of conversation, namely, to plot retaliation against an attack on a fellow gang member. Although this call was monitored, countless other conversations are not. To the contrary, much too often, the fact of the conversation, much less its content, remains unknown and undetected by law enforcement and corrections officials.

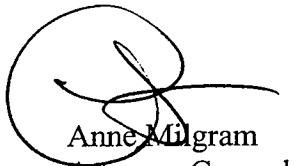
Communication is critical to any criminal organization's ability to maintain its command and control of criminal activity on the streets. Cell phones in prisons, and the communications that they facilitate, therefore, are a prime engine of the growth and expansion of criminal gangs both in prisons and on the streets. At the same time, public safety is compromised because incarceration no longer thwarts the ability of a gang member or violent offender to terrorize a community.

Given this reality, the authority to block cell phone transmissions from within a prison is the most effective manner for law enforcement and corrections officials to prevent an unknown quantity of calls. New Jersey law enforcement agencies, including the Department of Corrections, are collaboratively conducting investigations and operations inside and outside the prison walls to identify and sever connections between street gangs and prison gangs. Nonetheless, inmates with cell phones are able to operate in the gaps between those efforts, to communicate with persons outside the prison.

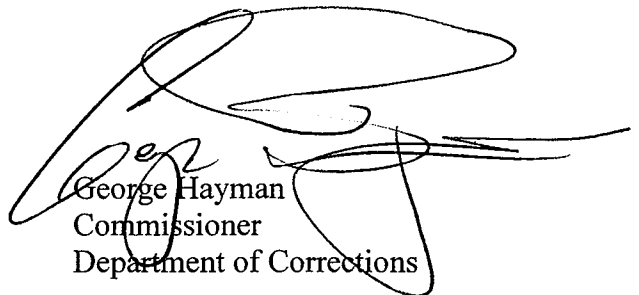
While detection and location technologies are legal and available, they are expensive and often cost-prohibitive to install on a facility-wide basis, much less in numerous facilities across the state. More important, they will never be as effective in addressing the problem as the ability to simply prevent the communication from taking place. Instead, legislative action is required to enable State law enforcement and corrections officials to have the most effective technologies available to tackle the problem.

We urge the Senate to give States the authority to block cell phone transmissions from prisons. Absent tools to combat the problem of cell phones in prisons, states will be limited in their ability to address this problem and to effectively stop communications between criminal organizations inside and outside of our correctional facilities.

Sincerely yours,



Anne Milgram
Attorney General



George Hayman
Commissioner
Department of Corrections

c: The Honorable Frank R. Lautenberg, United States Senator
The Honorable Robert Menendez, United States Senator