

## MEMORANDUM

**To:** Brian Hendricks, Legislative Counsel, Senator Hutchison (R-TX)

**From:** Jessica Nickel, Council of State Governments Justice Center, [jnickel@csg.org](mailto:jnickel@csg.org)  
Gwyn Smith Ingley, American Jail Association, [gwyns@aja.org](mailto:gwyns@aja.org)  
George Camp, ASCA, [gcamp@asca.net](mailto:gcamp@asca.net)  
Jamal Nelson, Council of State Governments Center Justice, [jnelson@csg.org](mailto:jnelson@csg.org)  
Eric Schultz, ACA, [erics@aca.org](mailto:erics@aca.org)  
Ann Yom, National Sheriffs Association, [ayom@sheriffs.org](mailto:ayom@sheriffs.org)

**Date:** March 24, 2009

**Re:** Potential Witnesses for Cell Phone Hearing

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### I. Overview

Our organizations are working with our members to urge Congress to pass S. 251/H.R. 560, the Safe Prisons Communications Act of 2009. Below is a list of potential witnesses for the hearing.

### II. Potential Witnesses

#### A. Corrections Official

*Harold Clarke, MA*  
Commissioner  
Department of Correction  
50 Maple Street, Suite 3  
Milford, MA 01757-3698  
Phone: 508-422-3330  
Fax: 508-422-3385  
[hclarke@asca.net](mailto:hclarke@asca.net)

Massachusetts DOC recently thwarted an attempted escape and murder of a correctional officer by an inmate who was using a cell phone to communicate with people about his plan. The current Commissioner of the Department of Correction, Harold Clarke is the longest continually serving Director in the country, having previously served as the Director of the Nebraska Department of Correctional Services and the Secretary of the Department of Corrections in Washington state. Mr. Clarke also is on the ASCA Executive Committee as a Past President of ASCA.

*Justin Jones, OK*  
Director  
Department of Corrections  
3400 Martin Luther King Ave.  
P.O. Box 11400  
Oklahoma City, OK 73136-0400  
Phone: 405-425-2505  
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On June 30, 2008, an inmate gang leader utilizing a cell phone was able to coordinate an outbreak of violence within three Oklahoma State prisons and two private prisons within Oklahoma. The results were three deaths and a large number of wounded. Mr. Jones has 28 years of criminal justice experience and has been Oklahoma's Director of Corrections since 2005. Currently, Mr. Jones serves as the Chair of ASCA's Reentry Committee.

*Gary Maynard, MD*  
Secretary  
Department of Public Safety & Correctional Services  
300 E. Joppa Road, Suite 1000  
Towson, MD 21286  
Phone: 410-339-5005  
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Several federal indictments occurred this past year on a murder case in Baltimore, which orchestrated from prison by cell phone. At the time of the murder the defendant was in the City Jail but used a contraband cell phone to contact other members of the conspiracy to kill the victim. The purpose of the murder was to prevent the victim from testifying against the defendant in a Baltimore City Circuit Court case. Gary Maynard currently serves as the Secretary of Public Safety and Correctional Services in Maryland, and has more than 30 years of extensive correctional experience including being the Director of the Oklahoma, South Carolina, and Nebraska Departments of Corrections.

*Pat Caruso, MI*  
Director  
Department of Corrections  
P.O. Box 30003  
Lansing, MI 48909  
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Cell phones have been confiscated on a number of occasions in Michigan. In one incident, a prisoner was receiving instructions on how to program a cell phone while using the inmate phone system. After an officer heard this discussion while monitoring telephone usage, it was determined that the prisoner had a contraband cell phone hidden inside a box for a deck of playing cards. Director Patricia Caruso joined the Michigan Department of Corrections in 1988 and has served in several capacities throughout her tenure with the Department, including both Warden and Deputy Director. In July of 2003, Ms. Caruso was appointed Director of the Department. She is the Vice President of ASCA.

*Jon Ozmint, SC*

Director  
Department of Corrections  
P.O. Box 21787  
4444 Broad River Road  
Room 300  
Columbia, SC 29221-1787  
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Inmates in South Carolina have used cell phones to conduct tens of thousands of dollars of credit card fraud, coordinate escapes, and to more precisely smuggle contraband like drugs and escape tools into the state's prisons. Director Jon Ozmint has worked to raise awareness of the problems associated with cell phone contraband by installing metal detectors, X-ray machines and mandatory searches of all personnel entering South Carolina's medium- and maximum-security prisons. As the techniques for smuggling cell phones into prisons have become more creative, so too has the Department. Director Ozmint has been a national leader in cell phone jamming testing, attempting to create zones over the prison which would prohibit cell phone service. An attorney by training, Mr. Ozmint has been the Director of the South Carolina Department of Corrections since 2003, and currently serves as the Chair of ASCA's Legal Issues Committee.

*A.T. Wall, RI*

Director  
Department of Corrections  
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Cranston, RI 02920  
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At the Rhode Island Department of Corrections a troubling incident occurred where an inmate's wife provided a Correctional Officer with a cell phone in which the CO arranged for the inmate to meet him routinely in an isolated work area and allowed the inmate to use the phone. This inmate made numerous calls in furtherance of narcotics trafficking and gambling before awareness of this activity was recognized. Director A.T. Wall has worked in the field of corrections since 1976

where he began as a probation officer, ultimately leading him to become the Director in 2000. He is a national spokesperson for numerous corrections-related issues, and currently serves as the Treasurer of ASCA, as well as the Chair of the ASCA Clearinghouse Committee.

*Jim Rubenstein, WV*

Commissioner

Division of Corrections

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Since 2006 there have been 13 incidents due to the presence of cell phones in the units, although fortunately none of them resulted in high profile crimes. However, cell phones are now one of the most sought after items of contraband by inmates in custody. To address the serious threat that these devices represent, the West Virginia Canine Unit is in the process of training two dogs to detect cell phones. As Commissioner of the West Virginia Department of Corrections since 2001, Jim Rubenstein has over two-decades of experience in the corrections profession and is one of the most senior Directors in the country.

*Marty Horn, NY*

Commissioner

Department of Correction

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Martin Horn was appointed in 2003 to serve as Commissioner of the New York City Department of Correction, the nation's largest urban jail system. Prior to serving as Commissioner, Mr. Horn served as Pennsylvania's Secretary of Corrections from 1995 until 2000. Mr. Horn also was the 2005 recipient of ASCA's Michael Francke Award and serves as the Chair of ASCA's Policy, Resolutions, and Legislative Issues Committee.

## **B. Sheriffs**

*Sheriff David Gutierrez*

Lubbock County Sheriff's Office

811 Main St

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Lubbock, TX. 79408

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On 6/27/08, the shift sergeant was called by a citizen being called and harassed by an individual incarcerated in the Lubbock County Jail. He was calling her via cell phone and gave her the number. Several officers were dispatched to the housing area where the inmate was confronted regarding the cell phone. He gave up the cell phone readily to the officers. The phone was ringing when he turned it over; it was the Lubbock County Jail supervisor on the line. Sheriff David Gutierrez began his career with the Lubbock County Sheriff's Office in 1977. He has over 30 years of law enforcement experience and has been the Sheriff in Lubbock County since 1998. Most recently, he completed his term as the Presiding Officer of the Texas Commission on Jail Standards. He is a past president of the Texas Jail Association.

*Sheriff Daron Hall*

Davidson County Sheriff's Office

506 Second Avenue North

Nashville, TN 37201

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In addition to finding cell phones as contraband in local jails, "dirty" officers who bring their cell phones into correctional facilities have also caused concern. Recent cases point to officers who sneak phones in, allow inmates to use their phones to arrange getting drugs into the facility, and the officers' "take" is part of the drugs. Inmates with access to cell phones - either ones they smuggle in or ones brought in by correctional officers - can create a dangerous atmosphere for officers, inmates, and the public at large. And this from a news release from the TN Dept. of Correction last year (2008):

"Internal Affairs agents with the Department of Correction have arrested three women suspected of smuggling illegal and dangerous contraband into a state prison. The women are accused of mailing a pound of marijuana, 52 cell phones and tobacco to the Turney Center Industrial Prison in Hickman County..." Sheriff Daron Hall was sworn-in as the

61<sup>st</sup> Sheriff of Davidson County September 3, 2002 – becoming the youngest sheriff since the formation of Metropolitan Government in 1963. Four years later, he became the first sheriff since that time to run unopposed and began his second term on September 1, 2006. With management-level experience in both the public and private sectors, Sheriff Hall has spent 20 years dedicated to the field of public safety. His private sector experience includes program director for Corrections Corporation of America where he had the opportunity to work in Brisbane, Australia. Currently, he also serves as President-Elect of the American Correctional Association.

*Sheriff David A. Goad, Allegany County, MD*

*President*

*National Sheriffs' Association*

Allegany County Sheriff's Office

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Cumberland, MD 21502

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Sheriff David Goad has been dedicated to protecting the public and preserving the quality of life in his community of Allegany County, Maryland for the last 29 years. In 1978, he began his career in law enforcement as a Deputy Sheriff with the Allegany County Sheriff's Office. In 1994, he was elected Sheriff of Allegany County and has held this position since then. His responsibilities include preservation of the peace, administration of the county detention center, adequate service of criminal and civil process from the court, and judicial security. Currently, Sheriff Goad serves as the 2008-2009 President of the National Sheriffs' Association.

*Executive Director Aaron D. Kennard*

*National Sheriff's Association*

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In January 2007, Executive Director Aaron D. Kennard was selected to become the seventh Executive Director of the National Sheriffs' Association (NSA). NSA is the voice of over 3,000 elected sheriffs across the country and one of the largest association of law enforcement professionals in the United States, with a membership of more than 20,000 members, including deputy sheriffs, other law enforcement professionals, and students. Executive Director Kennard is the retired Sheriff of Salt Lake County, Utah, where he served as Sheriff from 1990-2006. He also served 20 years with the Salt Lake City Police Department prior to being elected Sheriff. Additionally, Executive Director Kennard was the 2004-2005 President of the National Sheriffs' Association.

## **C. Elected Officials**

*State Senator John Whitmire, Chair of the Senate Criminal Justice Committee*

In December 2008, Richard Tabler, a death row inmate in Texas, was caught making a call from a contraband cell phone. The phone has been traced to a series of threatening calls to state Sen. John Whitmire where Tabler made threats against the Senators' family. Whitmire also serves as the Dean of the Texas Senate.

*Rep. Jerry Madden, Texas State Legislature*

First elected to the Texas Legislature in November of 1992 and now in his ninth term, Madden is vice chair of the House Committee on Corrections, which he chaired from 2005-2009 and is a member of the Judiciary and Civil Jurisprudence Committee.

## **D. Jails**

*Chief Deputy Mitch Lucas*

*Charleston County Detention Center*

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North Charleston, SC 29405

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*Director Tim Ryan, CJM*

*Miami-Dade County Corrections and Rehabilitation*

Headquarters

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In this photo (see attachment) provided by the Miami-Dade County Corrections and Rehabilitation Director, is a display of some of the cell phones that are still in his department's possession. These phones only represent about 10% of cell phones found in his jail facilities beginning in 2002/2003 to the present. The highest percentages of phones found were in years 2005/2006. During those years, over 200 cell phones were found in the jails. The largest percentage of those was at PTDC and secondly at TGK. However, cell phones are found regularly throughout departmental facilities. According to Director Ryan, "We (Miami-Dade County Corrections and Rehabilitation) have had several adverse incidents recently and our "dogs" actually discovered the phones." Director Timothy P. Ryan began his law enforcement career as a Deputy Sheriff for the Alameda County Sheriff's Office in Oakland, California in the 1970's. For more than three decades since, he has risen through the ranks from Deputy to Commander. In 1998, he was selected as the 7th Chief of Correction for the Santa Clara County Department of

Correction in San Jose, California. In March 2002, Mr. Ryan was appointed Chief of Corrections by Orange County, Florida, Mayor Richard T. Crotty. Then in November 2006, he was confirmed by the Miami-Dade County Board of County Commissioners as Director of the Corrections and Rehabilitation Department, then the 6th largest jail system in America. Director Ryan served as President of the American Jail Association in 2002-2003 Corrections and is a Certified Jail Manager. He just completed a four-year elected position as Commissioner on the American Correctional Association's Commission on Accreditation.

*Director Jeffery Newton, CJM*

Douglas County DOC

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#### **E. Attorneys General/District Attorneys**

*Texas Attorney General Greg Abbott*

Attorney General Greg Abbott was reelected as the 50th Attorney General of Texas on November 7, 2006. Prior to his election as attorney general, Greg Abbott served as a Justice on the Texas Supreme Court and as a State District Judge in Harris County.

#### **F. Victim Perspective**

Maryland or Oklahoma victims may be able to share their experiences with the committee.