

G. C. WILKINSON'S STATEMENT ON INMATE TELEPHONE  
MONITORING TO THE PA HOUSE OF REPRESENTATIVES  
HOUSE JUDICIARY COMMITTEE (MAY 28, 1992)

GOOD MORNING. MY NAME IS GEORGE WILKINSON. I AM PLEASED TO HAVE THE OPPORTUNITY TO APPEAR BEFORE THIS COMMITTEE TODAY. I AM THE REGIONAL DIRECTOR FOR THE NORTHEAST REGION OF THE FEDERAL BUREAU OF PRISONS, AND I WILL BE SHARING MY KNOWLEDGE OF OUR INMATE TELEPHONE MONITORING SYSTEM WITH YOU. THE NORTHEAST REGION ENCOMPASSES FEDERAL PRISONS AND COMMUNITY CORRECTION SITES LOCATED IN PENNSYLVANIA, NEW YORK, NEW JERSEY, CONNECTICUT AND THE NEW ENGLAND STATES. OUR OFFICE IS LOCATED IN PHILADELPHIA.

I STARTED MY CAREER WITH THE BUREAU OF PRISONS IN 1968 AT THE FEDERAL CORRECTIONAL INSTITUTION, PETERSBURG, VA. I WAS NAMED SUPERINTENDENT OF THE FEDERAL PRISON CAMP, EGLIN, FL IN 1974 AND LATER SERVED AS WARDEN AT THE FEDERAL CORRECTIONAL INSTITUTION, DANBURY, CT; THE UNITED STATES PENITENTIARY, MARION, IL; THE UNITED STATES PENITENTIARY, LEAVENWORTH, KS; AND THE UNITED STATES PENITENTIARY, LEWISBURG, PA. IN 1984 I WAS NAMED REGIONAL DIRECTOR OF OUR NORTH CENTRAL REGION, AND IN 1988 I WAS NAMED ASSISTANT DIRECTOR OF OUR PROGRAM REVIEW DIVISION. I HAVE SERVED IN MY PRESENT POSITION SINCE 1989.

DUE TO MY LACK OF EXPERIENCE REGARDING THE TECHNICAL ASPECTS OF OUR TELEPHONE MONITORING EQUIPMENT, MY STATEMENT WILL FOCUS ON THE PHILOSOPHY, MERITS, AND BENEFITS OF OUR INMATE TELEPHONE MONITORING SYSTEM. SHOULD DEPARTMENT OF CORRECTIONS OFFICIALS OR MEMBERS OF THE PENNSYLVANIA LEGISLATURE WISH TO RECEIVE TECHNICAL INFORMATION REGARDING OUR SYSTEM, I WILL BE GLAD TO DIRECT THEM TO THE

APPROPRIATE BUREAU OF PRISONS STAFF.

MY EXPERIENCE WITH OUR INMATE TELEPHONE MONITORING SYSTEM DATES BACK TO 1972 WHEN I HELPED DRAFT THE BUREAU OF PRISONS FIRST POLICY ON INMATE USE OF TELEPHONES, WHICH INCLUDED A SECTION ON TELEPHONE MONITORING, WHILE ASSIGNED TO THE UNITED STATES PENITENTIARY IN ATLANTA, GA. SINCE THAT TIME OUR INMATE TELEPHONE MONITORING SYSTEM HAS GRADUALLY EVOLVED FROM A BASIC, MANUALLY OPERATED SYSTEM WHERE STAFF MONITORED ONE TELEPHONE CALL AT A TIME, INTO A HIGHLY AUTOMATED SYSTEM WHICH IS CAPABLE OF RECORDING ALL INMATE TELEPHONE LINES SIMULTANEOUSLY.

OUR CURRENT POLICY ENABLES ALL CALLS PLACED BY INMATES (EXCEPT PROPERLY PLACED ATTORNEY-CLIENT CALLS) TO BE MONITORED. INMATE TELEPHONE CALLS ARE MONITORED TO PRESERVE THE SECURITY AND ORDERLY MANAGEMENT OF OUR INSTITUTIONS AND TO PROTECT THE PUBLIC. A SYSTEM HAS BEEN ESTABLISHED SO THAT ALL CALLS PLACED ON TELEPHONES DESIGNATED FOR INMATE USE ARE RECORDED AT A SECURE CENTRALIZED LOCATION AT THE INSTITUTION. A NOTIFICATION PROCEDURE HAS BEEN DEVELOPED SO THAT INMATES ARE ADVISED THAT ANY CALL MADE ON THE INMATE TELEPHONES WILL BE SUBJECT TO MONITORING. UPON ARRIVAL AT AN INSTITUTION, INMATES ARE ISSUED A FORM DESCRIBING THE TELEPHONE MONITORING POLICY OF THE BUREAU OF PRISONS. EACH INMATE IS ASKED TO DOCUMENT THEIR AWARENESS OF OUR POLICY BY SIGNING A FORM THAT ACKNOWLEDGES THEY HAVE BEEN INFORMED OF OUR MONITORING POLICY. IN ADDITION, SIGNS ARE POSTED BY EACH MONITORED TELEPHONE ADVISING INMATES THAT ANY CALL PLACED ON THE TELEPHONE IS SUBJECT TO MONITORING, AND THAT USE OF THE TELEPHONE CONSTITUTES CONSENT TO

MONITORING.

THE GENERAL PROHIBITION CITED IN FEDERAL STATUTES (TITLE III OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT), WHICH LIMITS THE INTERCEPTION OF WIRE COMMUNICATIONS, DOES NOT APPLY TO THE RECORDING OF INMATE CONVERSATIONS BY THE BUREAU OF PRISONS. PRISON OFFICIALS ARE LAW ENFORCEMENT OFFICERS INTERCEPTING SUCH CALLS IN THE ORDINARY COURSE OF DUTY PURSUANT TO THE EXEMPTION SET FORTH IN FEDERAL STATUTE (18 U.S.C. 2510(5)(A)(ii)) FOR THE PURPOSE OF PRESERVING THE SECURITY AND ORDERLY MANAGEMENT OF THE INSTITUTION AND PROTECTING THE PUBLIC. IN ADDITION, THE USE OF THE TELEPHONE BY INMATES AFTER THEY RECEIVE THE MONITORING NOTICE UPON ARRIVING AT THEIR INSTITUTION CONSTITUTES CONSENT TO MONITORING UNDER FEDERAL STATUTES (18 U.S.C. 2511(2)(c)).

TODAY, AFTER TWENTY YEARS OF OPERATION, INMATE TELEPHONE MONITORING IMPACTS NEARLY ALL ASPECTS OF OUR INVESTIGATIVE AND INTELLIGENCE OPERATIONS. IN ADDITION TO IMPROVING OUR INTELLIGENCE DATA BASE, THE SYSTEM HAS PRODUCED SOME POSITIVE COLLATERAL BENEFITS, INCLUDING THE DETECTION OF INMATES WITH SUICIDAL TENDENCIES AT SOME OF OUR FACILITIES. BASED ON THE SOPHISTICATION OF OUR PRESENT INMATE POPULATION, IT IS DIFFICULT TO IMAGINE HOW THE BUREAU OF PRISONS OR ANY STATE CORRECTIONAL AGENCY COULD FUNCTION EFFECTIVELY WITHOUT AN ESTABLISHED TELEPHONE MONITORING SYSTEM. THE LOSS OF OUR SYSTEM WOULD IMMEDIATELY RESULT IN A MAJOR SET-BACK TO OUR INVESTIGATIVE EFFECTIVENESS, AS WELL AS IMPAIR THE INVESTIGATION EFFORTS OF FEDERAL AND STATE LAW ENFORCEMENT OFFICIALS, WHO ARE ABLE TO REQUEST COPIES OF RECORDED TELEPHONE CONVERSATIONS PURSUANT

TO A COURT ORDER, GRAND JURY, OR ADMINISTRATIVE SUBPOENA. SINCE 1986, THE U.S. ATTORNEY'S OFFICE IN LEWISBURG, PA HAS USED TELEPHONE MONITORED RECORDINGS TO HELP SUCCESSFULLY PROSECUTE MORE THAN 50 CASES INVOLVING THE INTRODUCTION OR ATTEMPTED INTRODUCTION OF DRUGS INTO THE UNITED STATES PENITENTIARY AT LEWISBURG. AN ADDITIONAL INDICATION OF THE VALUE OF THE SYSTEM IS REFLECTED BY THE NUMBER OF SUBPOENA REQUESTS RECEIVED FROM STATE AND FEDERAL LAW ENFORCEMENT AGENCIES. SINCE DECEMBER 1990, THE TEN INSTITUTIONS IN THE NORTHEAST REGION HAVE RECEIVED A MINIMUM OF 236 FEDERAL AND 26 STATE ORDER/SUBPOENA REQUESTS TO PROVIDE TAPES OF RECORDED TELEPHONE CALLS TO LAW ENFORCEMENT OFFICIALS CONDUCTING ONGOING CRIMINAL INVESTIGATIONS.

TELEPHONE MONITORING HAS PROVEN TO BE AN INVALUABLE AID IN THE PROSECUTION OF NUMEROUS CASES. INTERCEPTED TELEPHONE CALLS HELPED CONVICT TWO DEFENDANTS FOR THE MURDER OF A CORRECTIONAL OFFICER FROM THE UNITED STATES PENITENTIARY AT LEWISBURG IN 1987 DURING AN ESCAPE ATTEMPT. THE RETRIEVAL OF TELEPHONE CONVERSATIONS WHICH OCCURRED PRIOR TO THE ESCAPE AND MURDER ENABLED THE PROSECUTION TO ESTABLISH PREMEDITATION TO COMMIT THE CRIME. THIS RESULTED IN LIFE SENTENCES FOR THE TWO DEFENDANTS. ALSO IN 1987, THREE PRETRIAL INMATES HOUSED AT THE METROPOLITAN CORRECTIONAL CENTER IN NEW YORK CITY THREATENED WITNESSES PRIOR TO THEIR TRIAL FOR BANK ROBBERY CHARGES. INTERCEPTED TELEPHONE RECORDINGS RESULTED IN THE CONVICTION OF THE THREE INMATES AND AN OUTSIDE DEFENDANT ON CHARGES OF CONSPIRACY TO OBSTRUCT JUSTICE AND WITNESS TAMPERING. IN ADDITION, WE HAVE SUCCESSFULLY DETECTED 21 HELICOPTER ESCAPE PLOTS THROUGH THE USE OR ASSISTANCE OF INMATE TELEPHONE MONITORING SINCE

1985.

HISTORICALLY, THE COST TO PURCHASE AND INSTALL A FULLY OPERABLE TELEPHONE MONITORING SYSTEM IN A FEDERAL INSTITUTION HAS BEEN APPROXIMATELY \$54,000. THIS INCLUDES RECORDING EQUIPMENT, TAPES, COMPUTER HARDWARE AND OTHER SUPPORT EQUIPMENT. THE ACTUAL COST TO THE STATE OF PENNSYLVANIA COULD VARY BASED ON THE FUTURE MARKET PRICES OFFERED BY VENDORS. WHILE THE COST REPRESENTS A SIGNIFICANT INVESTMENT FOR THE BUREAU OF PRISONS, WE BELIEVE THE RESULTING BENEFITS OF THE SYSTEM IN TERMS OF PROTECTING INSTITUTION SECURITY AND PUBLIC SAFETY THROUGH EFFECTIVE INTELLIGENCE GATHERING MAKES OUR TELEPHONE MONITORING SYSTEM A COST EFFECTIVE MEASURE. FOR EXAMPLE, MY STAFF INDICATE IT IS POSSIBLE TO LOCATE AN INDIVIDUAL TELEPHONE CALL OR A SERIES OF SPECIFIC TELEPHONE CALLS OUT OF 500,000 RECORDED CALLS ON FILE WITHIN A PERIOD OF 12-14 SECONDS. WHILE SEVERAL COMPANIES OFFER VIABLE SOFTWARE TO PERFORM FUNCTIONS SIMILAR TO OUR BUREAU OF PRISONS DEVELOPED COMPUTER PROGRAM, IT MIGHT BE BENEFICIAL FOR THE DEPARTMENT OF CORRECTIONS TO COMPLETE A MARKET SURVEY PRIOR TO SELECTING A SOFTWARE PROGRAM.

IN CLOSING, WE BELIEVE HOUSE BILL NO. 2649 PROVIDES A GOOD BASIS TO COMMENCE TELEPHONE MONITORING IN PENNSYLVANIA INSTITUTIONS.

HOWEVER, TWO SUGGESTIONS ARE OFFERED:

FIRST, THE NOTIFICATION PROVISION TO THE INMATE POPULATION SHOULD BE BROADER. NOTICE OF TELEPHONE MONITORING SHOULD BE PROVIDED TO AND SIGNED BY EACH INMATE UPON ARRIVAL AT THEIR DESIGNATED INSTITUTION. WE ALSO SUGGEST THAT SIGNS BE POSTED BY EACH INMATE

TELEPHONE SPECIFYING THE TELEPHONE IS SUBJECT TO MONITORING BY STAFF.

SECONDLY, THE ATTORNEY-CLIENT PRIVILEGE SECTION AS STATED IN THE BILL IS NOT SPECIFIC ENOUGH. THE LANGUAGE OF HOUSE BILL NO. 2649 GIVES THE APPEARANCE OF ALLOWING AN INMATE TO PLACE A PRIVILEGED CALL TO HIS ATTORNEY ON A MONITORED TELEPHONE. THE INMATE COULD THEN ARGUE THAT THE INSTITUTION VIOLATED THE STATUTE BY RECORDING OR MONITORING A PRIVILEGED TELEPHONE CALL. THE SOLUTION IMPLEMENTED BY THE BUREAU OF PRISONS WAS TO ESTABLISH A TOTALLY INDEPENDENT PROCEDURE TO ENABLE INMATES TO MAKE UNMONITORED TELEPHONE CALLS TO AN ATTORNEY. WE HAVE SPECIAL PROVISIONS IN PLACE WHICH ENABLE INMATES TO USE AN UNMONITORED TELEPHONE TO CALL AN ATTORNEY AFTER STAFF HAVE DETERMINED THERE IS A LEGITIMATE NEED FOR SUCH A CALL. THE BURDEN IS ON THE INMATE TO REQUEST THE UNMONITORED CALL AS SPECIFIED IN OUR PROCEDURES.

ON BEHALF OF THE NORTHEAST REGION AND FEDERAL BUREAU OF PRISONS, THANK YOU FOR YOUR TIME AND INTEREST IN OUR TELEPHONE MONITORING SYSTEM.

