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Fla. Public Service Commission

Report From -

The Law Enforcement Committee

On Caller-ID:

Findings and Recommendations

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Submitted By:

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July 17, 1990

DOCUMENT NUMBER-DATE

06337 JUL 17 1990

PSC-RECORDS/REPORTING

The Florida Public Service Commission, on February 20, 1990 asked that a committee of law enforcement representatives work with Southern Bell Telephone Company to develop alternatives to universal call blocking for the problems posed to undercover operations by Caller-ID. Unfortunately, the progress reported to this commission by both Southern Bell, and the PSC staff in solving law enforcement's problems with Caller-ID, is not the success the reports suggest. In fact, the law enforcement committee feels that the more time that has been spent on this topic, the more questions that have been raised as to the potential threats this new service poses to law enforcement officers and civilians that use the telephone to conduct confidential investigations.

This committee is made up of members of law enforcement that include undercover officers, investigators, technical specialists, and supervisors from front line to senior management. The agencies represented on the committee include municipal police, county sheriffs, drug task forces, state law enforcement and prosecutive agencies, and federal agencies including the FBI, DEA, ATF, and the U.S. Secret Service. These departments represent the needs of small municipalities, large metropolitan areas, and multi-jurisdictional investigative concerns. In addition, the Florida Police Chiefs Association, the Florida Sheriffs Association, the Florida State Law Enforcement Chiefs Association, the Fraternal Order of Police, and the Police Benevolent Association have contacted this committee to express their concerns and support of this committee's findings.

In view of this, the committee finds it somewhat distressing that the PSC staff report completely dismisses this committee's collective expertise and concerns, and our dissatisfaction with the alternatives to Caller-ID blocking proposed by Southern Bell.

In fact, the majority of any alternatives posed to the committee by Southern Bell, are no more than reworded versions of the suggestions made by Bell to the PSC in February of this year, and determined by this committee to be insufficient to meet the safety and security needs of law enforcement at that time.

The biggest improvement in the offers from Bell are a recent decision to decrease much of the cost of these alternatives. Although law enforcement agrees that it should not have to absorb the increased cost that Caller-ID poses just to maintain the "status quo", cost must be secondary to insuring that adequate safeguards are provided to making undercover telephone calls.

The research conducted by this committee during the last five months suggests that at least two of the suggested alternatives are, at best, short lived band-aid approaches to the problem. The Bell representatives have stated that within one to two years long distant calls will be delivered through Caller-ID. In addition, a member of a technical research committee in Washington, D.C. advised the committee chairman that a test of delivering cellular telephone numbers to Caller-ID boxes, is slated for implementation within six months. Telephone industry trade journals indicate a nation wide plan to be able to deliver all numbers throughout the nation within five years.

Such information suggests that the solution of using calling cards to deliver "Out of Area" to a Caller-ID box would be meaningless, and begs the question, "What is Out-of-Area?", since nothing will be left to be "Out of Area". It is the position of this committee that we should not accept short lived solutions to such a complex and serious problem, nor do we wish to continually have to re-address this issue while CLASS service develops.

Several of the suggested alternatives completely ignore the need for confidential informants to make undercover calls, since their access to such solutions as "Remote Access Dialing" would, at best, be imprudent. This also applies to civilian witnesses and victims who agree to assist law enforcement in the investigation of criminal activity.

Suggestions made by this committee to Bell that, although not a panacea, seemed to be a workable, though complex compromise, were at first adamantly refused by Bell as technically impossible. When committee members were able to prove otherwise, Bell kept serious discussion of these unique and innovative ideas delayed through what can most diplomatically be described as "Marketing Double-speak". In fact, at the conclusion of a committee meeting in April, one Bell spokesman stated, "I realize it has taken several weeks for you guys to drag these answers out of us...". This is unfortunate, because although the law enforcement members entered these discussions with a sincere belief that it was a joint effort to solve problems, it soon evolved into an adversarial relationship.

This has caused the committee to have to conduct much of the research on it's own, since information from Bell was often deceptive and seemed only to support it's February position that law enforcement's needs had already been addressed.

Investigation by this committee into Southern Bell claims that no other law enforcement agencies, in states with Caller-ID, are having difficulties with the service, are Simply Not True ! Cases have been documented in Maryland where heroin traffickers have begun to set their illicit drug delivery scenarios around the use of Caller-ID. Arrests have been made, and CND boxes seized. I was personally asked to discuss Caller-ID with a group of technical agents and major crime investigators in New Jersey. I received several comments as to how Caller-ID had already put numerous cases in jeopardy, but fortunately had yet to cause any injuries. Some of these investigators said that they were seeking legal assistance to have Caller-ID outlawed in the state of New Jersey, the state that supposedly loves it ! I did not hear one officer, in an audience of over sixty investigators, say anything positive about this service. Indeed, comments such as, "We hope Florida has better luck than Jersey did in keeping this service from being rammed down your throat", were more prevalent.

In addition, I have copies of letters from law enforcement agencies within Florida indicating how the companion service of "Return Call" has destroyed cases in this state. And, as I stated to this Commission in February, FDLE had an informant use

Caller-ID against an agent in Orlando in 1988, during the limited trial period, further evidence that the criminal element of society will be the first to misuse and abuse this service.

Attendance by committee members at numerous public hearings held on Caller-ID, have revealed few, if any, cases where less expensive, less intrusive, and much safer to law enforcement, services like "Call Trace", "Call Return", and "Call Block" would not have sufficed in solving their problems. Most of the people at these hearings, speaking in favor of Caller-ID, had no objection to, (and many supported) the idea of universal per-call block in conjunction with the introduction of Caller-ID.

During the last five months many of the law enforcement officials that, at first, supported Caller-ID have changed their position once the potential threats of this service have been brought to their attention. This includes explaining the problems with the suggested solutions to call block proposed by Southern Bell. The comments I have heard generally include something like the statement, "Bell never mentioned that to us". I must admit, I, too thought this a marvelous technology until March 1988 when I received that call from an FDLE agent in Orlando. I realize now that law enforcement does not need Caller-ID, but we do need anonymity in conducting undercover investigations.

Conclusion

In view of the last five months investigation and research, it is the position of the Law Enforcement Committee on Caller-ID that for law enforcement to remain "whole" in it's ability to conduct complex and dangerous undercover investigations, and to maintain it's current level of safety and security, we can accept nothing less than the following:

- 1 - Caller-ID should only be introduced with universal per-call blocking, available to the public at large.
- 2 - Southern Bell must work with law enforcement to provide other special technical considerations allowing undercover operatives to continue to convince their adversaries that they are being truthful. Such special solutions should only be implemented with cooperation of the individual law enforcement agency's management, who will institute responsible accountability and audit control measures to minimize abuse.
- 3 - A delay of at least 120 days from the decision of the PSC before Caller-ID can be implemented. This time frame is considered the minimum necessary to develop and deploy training programs deemed imperative to educating personnel to the new procedures necessary for their continued survival.

For this Commission to grant less, serves only to pose undue, and potentially life threatening complications on an already dangerous and important service to our society.