

BEFORE THE
PUBLIC SERVICE COMMISSION
STATE OF FLORIDA

ORIGINAL
FILE COPY

In re: Proposed tarriff filings by) DOCKET NO. 891194-FL
SOUTHERN BELL TELEPHONE AND TELEGRAPH)
COMPANY clarifying when a nonpublished) ORDER NO. 23489
number can be disclosed and introducing)
Caller ID to TouchStar Service)
_____)

DIRECT TESTIMONY

OF

FLORIDA DEPARTMENT OF LAW ENFORCEMENT WITNESS

SPECIAL AGENT RON TUDOR

SEPTEMBER 26, 1990

DOCUMENT NUMBER DATE

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FP30-RECORDS/REPORTING

Prefiled Testimony of Ronald P. Tudor

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- Q. Please briefly summarize your relevant employment training and experience.
- Q. What relevant professional affiliations do you maintain?
- Q. Other than your appearances on the "Caller ID" issue, have you previously testified in telephone cases?
- Q. Are you authorized to testify on behalf of, and state the position of, the Florida Department of Law Enforcement on this matter?
- Q. Are you authorized to testify on behalf of, and state the position of, the law enforcement Task Force that was created in an attempt to resolve the issues between law enforcement and Southern Bell regarding this matter?
- Q. Who makes up the Task Force?
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- Q. Does implementation of "Caller ID" as proposed by Southern Bell concern FDLE and the Task Force?
- Q. What are those concerns?
- Q. Does the Southern Bell "Caller ID" proposal include offering a universally-available ability to block the display of one's number when placing a call.
- Q. How would the offering of universally-available blocking of the display of one's number affect FDLE and the Task Force's concerns you have identified?
- Q. Do the benefits that might be enjoyed by Florida law enforcement agencies by reason of the implementation of "Caller ID" as proposed by Southern Bell outweigh the concerns you have identified?

- Q. While not addressing legal objections to "Caller ID" that are to be considered in briefs filed by the various parties, what is the position of FDLE regarding the "Caller ID" proposal offered by Southern Bell?
- Q. What is the position of the Task Force regarding the "Caller ID" proposal offered by Southern Bell?

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- Q. Are you aware of difficulties that have been encountered by law enforcement agencies operating in areas where "Caller ID" has been implemented?
- Q. Did you and FDLE in part rely upon those difficulties in formulating the concerns you have expressed on behalf of FDLE regarding Southern Bell's "Caller ID" proposal?
- Q. Did you and the Task Force in part rely upon those difficulties in formulating the concerns you have expressed on behalf of task force regarding Southern Bell's "Caller ID" proposal?
- Q. Please enumerate the difficulties encountered by law enforcement agencies in areas where "Caller ID" has been implemented that have been relied upon by you, FDLE, and the Task Force in reaching a position on this matter.
- Q. In your opinion, based upon your training and experience as a law enforcement officer, will similar difficulties be encountered by law enforcement agencies operating in Southern Bell's Florida service areas if Southern Bell's "Caller ID" system is implemented?
- Q. Would these anticipated difficulties be reduced or eliminated if universal-available blocking is made a part of any approved "Caller ID" system in Florida?
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- Q. As a law enforcement officer and as spokesman for FDLE and the Task Force, do you have concerns regarding the effectiveness of "Caller ID" as a means of addressing the problem of abusive or harassing phone calls?
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Q. What are those options, and why, from a law enforcement perspective, would they address the problem of abusive or harassing phone calls as well as, or better than, "Caller ID"?

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- Q. Have you, on behalf of FDLE and/or the Task Force, engaged in discussions with Southern Bell representatives regarding Southern Bell's proposals for reducing or eliminating law enforcement concerns about its "Caller ID" proposal?
- Q. During what period of time did those discussions occur?
- Q. Were FDLE's and the Task Force's concerns resolved by reason of these discussions?
- Q. Please enumerate Southern Bell's proposals and for each proposal enumerated, indicate FDLE and the Task Force's response and concerns.
- Q. If "Caller ID" in any form is implemented, does FDLE and the Task Force seek additional services or considerations from Southern Bell?
- Q. What additional services or considerations are sought, and why are they sought?
- Q. If each proposal of Southern Bell to eliminate or reduce law enforcement's concerns about "Caller ID" as proposed by Southern Bell were implemented, would FDLE and the Task Force still maintain their objection to "Caller ID" as proposed?
- Q. In conclusion, would you briefly summarize the major points of FDLE and the Task Force's opposition to "Caller ID" as proposed by Southern Bell?
- Q. Does this conclude your testimony?

List Of Exhibits
Prefiled Testimony Of Ronald P. Tudor

Exhibit RPT-1:

Copy of article from Baltimore, Maryland newspaper, The Sun, dated May 5, 1990, "Caller ID latest hit with high-technology drug dealers."

(No other exhibits)

List Of Exhibits
Prefiled Testimony Of Ronald W. Tudor

Exhibit RPT-1:

Copy of article from Baltimore, Maryland newspaper, The Sun, dated May 5, 1990, "Caller ID latest hit with high-technology drug dealers."

(No other exhibits)

1 I. BACKGROUND AND OVERVIEW

2
3 Q. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.

4 A. Ronald P. Tudor, P.O. Box 1489, Tallahassee, Florida
5 32302; Special Agent, Florida Department of Law Enforcement.

6 Q. PLEASE BRIEFLY SUMMARIZE YOUR RELEVANT EMPLOYMENT
7 TRAINING AND EXPERIENCE.

8 A. Since becoming employed in law enforcement, a career
9 of over 18 years, I have received approximately 2400 hours
10 of training. This training includes courses on criminal
11 investigations, investigating organized crime, covert
12 evidence gathering, narcotic and drug law enforcement,
13 covert investigations, technical equipment utilization,
14 electronic surveillance and wiretap, advanced telephone
15 countermeasures, counter terrorism, and cellular telephone
16 intercepts. My experience in organized crime investigation
17 includes working on a task force investigating the New
18 Jersey Mob, and cases involving identified organized crime
19 members and associates involved in loansharking, extortion,
20 corruption, bookmaking and illegal lottery, pornography and
21 prostitution, narcotics and controlled substances, contract
22 murder, labor law violations, violations of the federal and
23 Florida Racketeer Influenced Corrupt Organizations (RICO)
24 laws, fencing, terrorism, as well as numerous cases
25 involving strategic intelligence gathering. I have been

1 involved in providing operational assistance and planning
2 for technical surveillance and investigations, in providing
3 research and development on telephone intercept
4 investigations, providing technical support in the areas of
5 surveillance equipment and techniques and providing
6 assistance regarding the procedures to be followed in such
7 intercepts or surveillances. I have written or assisted in
8 the writing of training programs for law enforcement
9 officers involved in wiretap and electronic surveillance
10 operations. I have formulated and assisted others in
11 formulating the written policy and procedures of the Florida
12 Department of Law Enforcement as they apply to investigative
13 uses of wiretaps and electronic surveillance. I have served
14 as an instructor for the Organized Crime Institute's
15 training programs on electronic intercepts and technical
16 aspects of covert surveillance and have designed and taught
17 on several occasions an 80 hour course on telephone
18 intercept techniques for law enforcement agencies. During
19 my career in law enforcement I have set up and maintained
20 technical supervision on over 150 court-ordered wire and/or
21 oral electronic intercepts and have set up and maintained
22 technical supervision on over 1,000 consensual oral
23 intercepts. In addition, I have provided training on
24 undercover operations conducted by or through the Florida
25 Statewide Grand Jury Panel in 1975, State Attorneys and

1 their investigators in 15 Florida judicial circuits, more
2 than 700 police investigators from over 30 states, federal
3 agents from investigative operations of the U.S. Army
4 Intelligence, U.S. Air Force O.S.I., U.S. Customs, U.S.
5 Postal Service, the Drug Enforcement Administration,
6 Alcohol, Tobacco and Firearms; Office of Naval
7 Investigations, Naval Investigative Service, General
8 Services Administration, the U.S. Immigration Service and
9 the Federal Bureau of Investigations. I have also trained
10 and assisted law enforcement or military representatives
11 from numerous foreign countries, including Canada,
12 Australia, Germany, Italy, New Zealand, Taiwan, Israel and
13 Mexico.

14 Q. WHAT RELEVANT PROFESSIONAL AFFILIATIONS DO YOU
15 MAINTAIN?

16 A. Founder (1984-85) and Chairman (1984, 85, 88, and 90),
17 Southeast Technical Investigators Association; National
18 Liaison to the Mid-Atlantic Technical Investigators
19 Association (1986-present); Training Director, National
20 Technical Investigators Association (1988-1990); Co-
21 Chairman, New Technology Committee for the National
22 Technical Investigator's Association (1990); Member of the
23 "Caller-ID Committee" for the National Technical
24 Investigators Association (1990).

25 Q. OTHER THAN YOUR APPEARANCES ON THE "CALLER ID" ISSUE,

1 HAVE YOU PREVIOUSLY TESTIFIED IN TELEPHONE CASES?

2 A. No.

3 Q. ARE YOU AUTHORIZED TO TESTIFY ON BEHALF OF, AND STATE
4 THE POSITION OF, THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT
5 ON THIS MATTER?

6 A. Yes.

7 Q. ARE YOU AUTHORIZED TO TESTIFY ON BEHALF OF, AND STATE
8 THE POSITION OF, THE LAW ENFORCEMENT TASK FORCE THAT WAS
9 CREATED IN AN ATTEMPT TO RESOLVE THE ISSUES BETWEEN LAW
10 ENFORCEMENT AND SOUTHERN BELL REGARDING THIS MATTER?

11 A. Yes.

12 Q. WHO MAKES UP THIS TASK FORCE?

13 A. This Committee is made up of members of law
14 enforcement throughout the state of Florida at the
15 municipal, county, state and federal level. It includes
16 undercover officers, investigators, technical specialists,
17 and supervisors from front line to senior management.
18 Agencies represented on the Task Force include municipal
19 police departments, sheriff's departments, and included
20 personnel who were multi-agency drug task force members, a
21 Florida Assistant State Attorney, and federal agents from
22 the FBI, DEA, ATF, IRS, U.S. Customs, and the U.S. Secret
23 Service. The Task Force representation reflected the needs
24 of small municipalities, large metropolitan areas, and
25 multi-jurisdictional teams. All members were either based

1 in a Southern Bell service area or had law enforcement
2 duties and responsibilities that involved operating in
3 Southern Bell service areas. In addition, members of the
4 Florida Police Chiefs Association, the Florida Sheriffs
5 Association, the Florida State Law Enforcement Chiefs
6 Association, the Fraternal Order of Police, and the Police
7 Benevolent Association contacted the Task Force and
8 expressed their concerns regarding Southern Bell's "Caller
9 ID" proposal and indicated their support for the position of
10 the Task Force.

11 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

12 A. To express the continued significant concern of the
13 Florida Department of Law Enforcement and the Task Force
14 that "Caller ID" as proposed by Southern Bell presents a
15 clear and present danger to the safety and even the lives of
16 undercover law enforcement officers and operatives in
17 Florida.

18 Q. WHAT IS YOUR CONCLUSION REGARDING THIS MATTER?

19 A. It is predictable that criminals will immediately
20 begin using the "Caller ID" system as proposed by Southern
21 Bell to screen the calls they receive while engaged in their
22 illegitimate acts. It is equally predictable that the
23 safety of undercover law enforcement officers or operatives
24 will be jeopardized by such use of Southern Bell's proposed
25 system.

1 Q. WHAT IS YOUR RECOMMENDATION TO THE PUBLIC SERVICE
2 COMMISSION?

3 A. First, if "Caller ID" should be allowed in Florida at
4 all, it must be offered only with universal per-call
5 blocking made available to the public at large. Second, if
6 "Caller ID" is implemented in Florida, Southern Bell must be
7 mandated to work with law enforcement to continue making
8 available other special technical considerations that will
9 allow undercover officers and operatives to convince their
10 adversaries that they are being truthful in their undercover
11 role as fellow criminals. Third, there should be at least a
12 120 day delay in implementing any "Caller ID" system so that
13 law enforcement training programs can be developed and
14 delivered at a statewide level. This is important to help
15 identify and communicate the dangers to law enforcement
16 officers produced by implementation of any "Caller ID"
17 system.

18 Q. UPON WHAT EVIDENCE OR CONSIDERATIONS DO YOU BASE YOUR
19 CONCLUSIONS AND RECOMMENDATIONS?

20 A. My training and experience as a law enforcement
21 officer, my discussions of these issues with other law
22 enforcement officers working within Florida, and my
23 discussion of problems and the "track record" of experience
24 of other law enforcement officers and agencies in parts of
25 the nation in which "Caller ID" has already been

1 implemented. I have learned that criminals do utilize
2 "Caller ID" to return calls and confirm the origin of the
3 caller. According to law enforcement officers I have
4 contacted, such experiences have resulted in cases being put
5 into direct jeopardy, with some investigations being
6 compromised. For example, the drug task force in Maryland
7 has arrested a heroin dealer who was using his "Caller ID"
8 display to force customers to call from specific phone
9 numbers in order to transact business. A common factor in
10 law enforcement's concerns is the loss of control over
11 undercover operations that "Caller ID" promotes. When
12 "Caller ID" is utilized by criminals to force the screening
13 of calls and to help identify the origin of callers, the
14 balance of control is shifted to the criminal. Any such
15 shift increases jeopardy to an undercover law enforcement
16 officer or an operative's life.

17 II. THE POSITIVE AND NEGATIVE EFFECTS OF "CALLER ID" FROM A
18 LAW ENFORCEMENT PERSPECTIVE.

19 Q. PLEASE DESCRIBE "CALLER ID" AS YOU UNDERSTAND THE
20 SYSTEM AS PROPOSED BY SOUTHERN BELL.

21 A. As I understand it, Southern Bell's proposal would be
22 that a customer could subscribe to the service for \$7.50 a
23 month, \$90.00 per year. If one subscribes to the service, a
24 digital signal containing the dialed number of a calling
25 party will be delivered to the called party's telephone

1 between the first and second ring. If the called party has
2 the proper digital display box connected to the party's
3 phone line, the caller's telephone number would be displayed
4 even if the caller is utilizing an unpublished or unlisted
5 telephone number. If, for some reason, the digital signal
6 is not transmitted, the display box will display "out of
7 area" or a similar display. As proposed by Southern Bell,
8 general members of the dialing public would not have the
9 option to "block" the display of the caller's phone number.
10 This is in contrast to "Caller ID" systems proposed or
11 implemented by companies such as CENTEL, Southwestern Bell,
12 U.S. West, and Pacific Telesis Group, and the NYNEX
13 Corporation's New England Telephone that allow "Caller ID"
14 "blocking" free on a per call, universal basis.

15 Q. WHAT BENEFIT MIGHT BE ENJOYED BY FLORIDA LAW
16 ENFORCEMENT AGENCIES BY REASON OF THE IMPLEMENTATION OF
17 "CALLER ID" AS PROPOSED BY SOUTHERN BELL?

18 A. There might be a perceived drop in obscene or
19 harassing phone calls, although phone company statistics
20 suggesting this are open to criticism and challenge. Also,
21 law enforcement may, at least for a limited time, be able to
22 utilize "Caller ID" to identify from where calls from
23 criminal suspects to law enforcement undercover telephones
24 are coming.

25 Q. DOES IMPLEMENTATION OF "CALLER ID" AS PROPOSED BY

1 SOUTHERN BELL CONCERN FDLE AND THE TASK FORCE?

2 A. Yes.

3 Q. WHAT ARE THOSE CONCERNS?

4 A. FDLE and the Task Force are concerned that violent
5 criminals will begin to use "Caller ID" to screen and even
6 set up calls with unknowing undercover operatives. Our
7 concern is that undercover officers or operatives may
8 unintentionally display a phone number assigned to a law
9 enforcement agency, and thereby jeopardize investigations
10 and personal safety. Since occasionally, one's personal
11 phone might be utilized in placing an undercover capacity
12 phone call, our concern extends to the families of
13 undercover officers, operatives and cooperating citizens.
14 Once an originating phone number has been displayed, a call
15 back to that number might catch the recipient off guard,
16 with an answer being made that would be inconsistent with
17 one's undercover identity or role. Once an originating
18 phone number has been displayed, the address from which the
19 call originated can be easily ascertained by using a phone
20 number to address phone directory commonly available for
21 sale or for review at public libraries. Family members
22 could become targets of retribution or revenge. These
23 concerns are valid even if the undercover operative is not
24 identified as being associated with law enforcement. In
25 addition, the concept of members of the public utilizing

1 "Caller ID" to conduct their own investigation or
2 intervention into the problem of receiving abusive calls is
3 troubling. With self initiated investigation comes the
4 possibility of personal intervention to address the problem.
5 This could well turn a misdemeanor class of crime into a
6 potentially violent confrontation between the call
7 recipient/victim and the caller/perpetrator.

8 Q. DOES THE SOUTHERN BELL "CALLER ID" PROPOSAL INCLUDE
9 OFFERING A UNIVERSALLY-AVAILABLE ABILITY TO BLOCK THE
10 DISPLAY OF ONE'S NUMBER WHEN PLACING A CALL?

11 A. No.

12 Q. HOW WOULD THE OFFERING OF UNIVERSALLY-AVAILABLE
13 BLOCKING OF THE DISPLAY OF ONE'S NUMBER AFFECT FDLE AND THE
14 TASK FORCE'S CONCERNS YOU HAVE IDENTIFIED?

15 A. Although universally-available blocking of the
16 display of a number on a "Caller ID" unit is not a panacea,
17 it would allow for a higher level of safety for undercover
18 officers, confidential informants, and cooperating victims
19 and witnesses when making calls to criminals than the system
20 proposed by Southern Bell. If the blocking option is
21 available to the public at large, then a criminal who
22 receives a blocked telephone call would not become overly
23 suspicious. This is in sharp contrast to what Southern Bell
24 proposes. Under Southern Bell's proposal, which would allow
25 blocking for only a limited portion of the telephone using

1 public, the very fact that blocking has occurred will serve
2 to suggest to the criminal that a law enforcement officer or
3 one acting on behalf of law enforcement may be the person
4 making the call. FDLE and the Task Force's primary position
5 is that we prefer not to have to cope with the jeopardy to
6 safety that "Caller ID" represents at all. As a compromise,
7 however, the option of universally-available blocking offers
8 a balance of benefits while minimizing the clear and present
9 threat "Caller ID" without blocking presents. While "Caller
10 ID" with universal blocking will represent a complication
11 and inconvenience to law enforcement operations, it will be
12 much preferred than a "Caller ID" system with a limited or
13 no blocking option.

14 Q. DO THE BENEFITS THAT MIGHT BE ENJOYED BY FLORIDA LAW
15 ENFORCEMENT AGENCIES BY REASON OF IMPLEMENTATION OF "CALLER
16 ID" AS PROPOSED BY SOUTHERN BELL OUTWEIGH THE CONCERNS YOU
17 HAVE IDENTIFIED?

18 A. No.

19 Q. WHILE NOT ADDRESSING LEGAL OBJECTIONS TO "CALLER ID"
20 THAT ARE TO BE CONSIDERED IN BRIEFS FILED BY THE VARIOUS
21 PARTIES, WHAT IS THE POSITION OF FDLE REGARDING THE "CALLER
22 ID" PROPOSAL OFFERED BY SOUTHERN BELL?

23 A. Not even taking into account any legal objections to
24 "Caller ID" that may be raised, as currently proposed by
25 Southern Bell, the "Caller ID" tariff is insufficient to

1 eliminate or even reduce the significant and serious
2 concerns regarding the safety and security of those involved
3 in working either in an undercover investigative capacity,
4 or working in cooperation with police during a criminal
5 investigation. FDLE remains opposed to implementation of
6 "Caller ID" as proposed by Southern Bell.

7 Q. WHAT IS THE POSITION OF THE TASK FORCE REGARDING THE
8 "CALLER ID" PROPOSAL OFFERED BY SOUTHERN BELL?

9 A. The Task Force insists that law enforcement should
10 remain "whole," with the ability to continue to convince
11 criminal suspects that undercover operatives are being
12 truthful in their undercover roles. "Caller ID" as proposed
13 by Southern Bell shifts the balance of control toward the
14 criminal, giving a distinct advantage to the often violent
15 law breaker, who has time and time again proved that he is
16 willing to kill those posing a threat to the success of his
17 criminal enterprise. The Task Force continues to oppose the
18 "Caller ID" as proposed by Southern Bell.

19 III. THE "TRACK RECORD" OF "CALLER ID" FROM A LAW
20 ENFORCEMENT PERSPECTIVE

21 Q. ARE YOU AWARE OF DIFFICULTIES THAT HAVE BEEN
22 ENCOUNTERED BY LAW ENFORCEMENT AGENCIES OPERATING IN AREAS
23 WHERE "CALLER ID" HAS BEEN IMPLEMENTED?

24 A. Yes.

25 Q. DID YOU AND FDLE IN PART RELY UPON THOSE DIFFICULTIES

1 IN FORMULATING THE CONCERNS YOU HAVE EXPRESSED ON BEHALF OF
2 FDLE REGARDING SOUTHERN BELL'S "CALLER ID" PROPOSAL?

3 A. Yes.

4 Q. DID YOU AND THE TASK FORCE IN PART RELY UPON THOSE
5 DIFFICULTIES IN FORMULATING THE CONCERNS YOU HAVE EXPRESSED
6 ON BEHALF OF TASK FORCE REGARDING SOUTHERN BELL'S "CALLER
7 ID" PROPOSAL?

8 A. Yes.

9 Q. PLEASE ENUMERATE THE DIFFICULTIES ENCOUNTERED BY LAW
10 ENFORCEMENT AGENCIES IN AREAS WHERE "CALLER ID" HAS BEEN
11 IMPLEMENTED THAT HAVE BEEN RELIED UPON BY YOU, FDLE, AND THE
12 TASK FORCE IN REACHING A POSITION ON THIS MATTER.

13 A. In March, 1988, I received a call from an FDLE agent
14 in Orlando, Florida. This was one of the areas where
15 Southern Bell was testing the "Caller ID" system. The agent
16 was extremely concerned because every time he called one of
17 his confidential informants, the informant would tell the
18 agent the number of the telephone from which the agent was
19 calling. This concerned the agent, and demonstrated how the
20 criminal element of society was among the first to realize
21 how the "Caller ID" technology could further criminal
22 enterprises.

23 I have spoken to detectives in New Jersey that have advised
24 that certain undercover calls to suspects have been returned
25 by the suspect, only to have the calls directed by the phone

1 system to a receptionist answering the phone of the specific
2 agency. In other words, the suspect dialed a number
3 obtained from a "Caller ID" display, and that number rang to
4 the law enforcement agency's central desk phone system.

5 In August, 1990, I met with an undercover narcotic detective
6 from the Arlington County Police Department in northern
7 Virginia. He advised me that he recently had a multi-ki/c
8 drug deal exposed because the suspect is reported to have
9 dialed back the number from which the informant called, only
10 to have the call answered by someone not familiar with the
11 undercover case.

12 A 1990 newspaper article from the Baltimore, Maryland area
13 tells of a drug task force which, while investigating a
14 heroin trafficking case, found that the suspects were using
15 "Caller ID" display units to verify that drug buyers were
16 calling the suspects from phones chosen for business by the
17 suspects. Again, this is an indication of how the criminal
18 element will seize upon the new technology to improve their
19 method of doing business, reduce risk of discovery and
20 exposure, and to gain control of situations. Any loss of
21 control suffered by law enforcement operatives in an
22 undercover capacity directly compromises the safety of the
23 operative.

24 *(A copy of the newspaper article is attached as Exhibit #1.)*

25 g. IS YOUR OPINION, BASED UPON YOUR TRAINING AND

1 EXPERIENCE AS A LAW ENFORCEMENT OFFICER, WILL SIMILAR
2 DIFFICULTIES BE ENCOUNTERED BY LAW ENFORCEMENT AGENCIES
3 OPERATING IN SOUTHERN BELL'S FLORIDA SERVICE AREAS IF
4 SOUTHERN BELL'S "CALLER ID" PROPOSAL IS IMPLEMENTED?

5 A. Absolutely.

6 Q. WOULD THESE ANTICIPATED DIFFICULTIES BE REDUCED OR
7 ELIMINATED IF UNIVERSALLY-AVAILABLE BLOCKING IS MADE A PART
8 OF ANY APPROVED "CALLER ID" SYSTEM IN FLORIDA?

9 A. I believe the potential for such difficulties will be
10 significantly reduced if universally-available blocking is
11 made a part of any "Caller ID" system implemented in this
12 state.

13 Q. EXPLAIN HOW THIS REDUCTION OR ELIMINATION WOULD BE
14 REALIZED.

15 A. By offering a relatively simple means of blocking the
16 delivery of the caller's number to the called party,
17 "Caller ID" with universally available blocking would help
18 the undercover operative fall under the "umbrella" of the
19 public at-large, and thus assist the operative's efforts to
20 "blend in" with society. One alternative proposed by
21 Southern Bell would require the use of agency specific, or
22 limited availability call block, which would immediately
23 identify the caller as being from an agency entitled to
24 utilize blocking. Other alternatives proposed require the
25 use of more cumbersome special dialing arrangements with

1 calling cards or remote access units, or the use of more
2 expensive extra telephone lines or cellular telephones.
3 The availability of a simple means to avoid exposure would
4 be especially important for those people involved in
5 undercover investigations who must return calls after
6 receiving messages via a digital pager message, a method
7 commonly utilized by drug traffickers. In these cases, the
8 identity of the original caller is not known. If such a
9 call was to be returned from the individual's personal
10 phone, or that of an unknowing friend or relative, and the
11 call was indeed to a criminal suspect, then the number of
12 the telephone from which the return call was placed would
13 then be delivered to the criminal suspect. As indicated
14 earlier, determining the address to which a number
15 corresponds is a relatively simple task. Even if the nature
16 of the number revealed does not create suspicion by a
17 criminal, the criminal will easily be able to determine the
18 address from which the return call has been made.

19 IV. ABUSIVE OR HARASSING PHONE CALLS - THE SHORTCOMINGS OF
20 "CALLER ID" FROM A LAW ENFORCEMENT PERSPECTIVE

21 Q. AS A LAW ENFORCEMENT OFFICER AND AS SPOKESMAN FOR FDLE
22 AND THE TASK FORCE, DO YOU HAVE CONCERNS REGARDING THE
23 EFFECTIVENESS OF "CALLER ID" AS A MEANS OF ADDRESSING THE
24 PROBLEM OF ABUSIVE OR HARASSING PHONE CALLS?

25 A. Yes.

1 Q. WHAT ARE THOSE CONCERNS?

2 A. First, I believe that other than the typical juvenile
3 prank calls, most truly abusive calls will be placed by
4 someone who is intent on completing the call. This person
5 will certainly be able to make use of the calling cards,
6 cellular phones, or other alternatives identified by
7 Southern Bell that will not reveal the identity or location
8 of the caller. By moving from one pay phone to another, an
9 abusive caller can "mask" his identity when placing a call,
10 too.

11 Second, most people will not know the telephone number of
12 the anonymous abusive caller, and therefore will be likely
13 to accept the initial call even if they have a "Caller ID"
14 unit. Advising the abusive caller that the recipient now
15 knows the caller's number is likely to cause the abusive
16 caller to utilize a different phone the next time. This
17 creates a "loop" pattern where the abusive caller can be
18 successful since the recipient will be unable to identify
19 from an unknown number whether it is the abusive caller or
20 some other person calling.

21 Third, merely advising an abusive caller that his phone
22 number is known will not necessarily stop the caller's
23 behavior. This type of caller may continue to make calls
24 until he attains his satisfaction, or is apprehended. While
25 I am aware that some phone company studies suggest that

1 there has been a vast reduction of abusive calls when
2 "Caller ID" and other systems are introduced, I believe
3 those studies more accurately indicate there has been a
4 reduction in the reports of a receipt of abusive calls.
5 There is a faulty assumption that the reduction of reports
6 of abusive calls corresponds to an actual reduction in
7 criminal calling activity. In fact, what may be reflected
8 is an increased tendency for recipients to take matters into
9 their own hands in one way or another, so that reporting the
10 call becomes, in the recipient's mind, unnecessary.
11 Fourth, I don't think that the evidence obtained by a user
12 of "Caller ID," specifically the digital display of a
13 telephone number, will be found to be sufficient to justify
14 a prosecution of an abusive caller, and many times would not
15 even constitute enough evidence to provide probable cause
16 for arrest. Involvement of phone security or law
17 enforcement agencies in investigating abusive calls provides
18 the corroboration necessary for effective functioning of the
19 criminal justice system.
20 Fifth, and most importantly, persons who receive abusive
21 calls are often upset and angry. I'm afraid that many will
22 feel it is up to them to handle the situation since the
23 phone company has provided them the means to begin to
24 identify a caller. Once a recipient believes the identity
25 of an abusive caller is known, the tensions and

1 dangerousness of the situation can escalate. This could
2 result in confrontations between victims and potentially
3 deranged individuals. The danger of such confrontations, of
4 course, is the potential for "vigilante" justice, something
5 our civilized society has tried to avoid. What begins as a
6 misdemeanor obscene phone call could likely turn into a
7 serious assault, or worse.

8 Such recipient-to-caller contact is contrary to all
9 recommendations that telephone companies and police
10 departments have traditionally given to victims of abusive
11 calls. In fact, phone companies have always instructed
12 recipients of such calls not to even converse with the
13 caller, let alone attempt to recontact them. To even call
14 an abusive caller back and inform him that you know his
15 phone number is to establish a link of communication with
16 the abusive caller that could very well encourage the caller
17 to continue making calls. This is much greater "contact"
18 than simply hanging up on the caller. Yet "Caller ID" seems
19 to promote the call-backs by its very nature.

20 Q. ARE THERE OTHER PHONE SERVICE OPTIONS AVAILABLE TO
21 PHONE CUSTOMERS IN THE SOUTHERN BELL FLORIDA SERVICE AREAS
22 THAT WOULD, FROM A LAW ENFORCEMENT PERSPECTIVE, ADDRESS THE
23 PROBLEM OF ABUSIVE OR HARASSING PHONE CALLS AS WELL AS, OR
24 BETTER THAN, "CALLER ID"?

25 A. Yes.

1 Q. WHAT ARE THOSE OPTIONS, AND WHY, FROM A LAW
2 ENFORCEMENT PERSPECTIVE, WOULD THEY ADDRESS THE PROBLEM OF
3 ABUSIVE OR HARASSING PHONE CALLS AS WELL AS, OR BETTER THAN,
4 "CALLER ID"?

5 A. One option is "Call Trace." This is a customer
6 activated system, not to be confused with the phone company
7 activated "call tracing," or a "trap and trace." This
8 option allows a recipient of a troubling call to press a
9 three digit code on the recipient's phone at the conclusion
10 of a call. This code signals the phone company computer to
11 "trap" the number from the previous call, date and time
12 stamp it, and log it into a special data file at the central
13 office. The recipient of the call then must advise the
14 phone company security office of the nature of the received
15 call and an investigation of the incident can occur. Phone
16 company business records such as the printout of the time
17 and date the call was placed are available as evidence if a
18 criminal prosecution occurs.

19 While presently customers of Southern Bell must presubscribe
20 to Call Trace at a rate of \$4 per month, I am aware that the
21 Office Of Public Counsel has petitioned the PSC to require
22 Call Trace to be offered to all phone customers in Florida
23 on a "pay as you use it" basis, with a suggestion that each
24 use result in a charge not to exceed \$1. If such a system
25 were implemented, it would represent a terrific deterrent to

1 abusive callers, because any recipient anywhere in the state
2 could have the called "traced" by the phone company. Not to
3 mention that the "pay as you use it" system would be less
4 expensive, so it would be available to most everyone who
5 needs to use it.

6 A second option is customer activated "Call Blocking". This
7 allows the recipient of a troubling call to enter a three
8 digit code on the phone at the conclusion of the call which
9 codes the phone company central switch to not put calls from
10 the previous caller through to the recipient's phone. While
11 the abusive caller might move to another phone, this
12 scenario is no worse than what could occur with the "Caller
13 ID" system.

14 The use of "Call Blocking" in conjunction with "Call Trace"
15 provides a very effective weapon against abusive calls, but
16 does not endanger the physical safety of law enforcement
17 operatives like the "Caller ID" system does.

18 A third option, "Selective Call Acceptance", would allow
19 recipients to program up to, I believe, six identified
20 numbers that the recipient's phone would receive. Other
21 numbers would not be connected to the recipient's phone
22 while the program is in effect. This would be helpful, for
23 example, to parents who leave their children with a baby
24 sitter. Only "known" numbers would ring into the home
25 phone, so no abusive caller could connect.

1 A fourth option is "Return Call". This allows a recipient
2 to call back a caller even though the caller's number is not
3 known. This is not a preferred option, however, since it
4 promotes contact with abusive callers, contrary to phone
5 company and law enforcement suggestions, and encourages
6 escalation or "vigilante" intervention discussed earlier.
7 A fifth option is "Caller ID" but with universal per call
8 blocking available. By allowing the option of per call
9 blocking to everyone, law enforcement security concerns are
10 better addressed. Customers will still have the option of
11 choosing to answer or not answer a "blocked" phone call. If
12 an abusive caller chooses to "block" his number, the
13 recipient need not answer the "blocked" phone call.
14 Southern Bell has analogized "Caller ID" to a peephole
15 viewer in one's front door. Well, if a caller "blocks" his
16 number, a recipient can respond just like a home owner who
17 sees that the person at the door has covered the peephole:
18 just don't "open the door."
19 Again, the main point from a law enforcement perspective is
20 that many options offer as much or better ability to address
21 abusive phone calls, but do not endanger the personal safety
22 of law enforcement operatives like Southern Bell's "Caller
23 ID" proposal does.

24 V. ATTEMPTS BY SOUTHERN BELL TO ADDRESS LAW ENFORCEMENT
25 CONCERNS

1 Q. HAVE YOU, ON BEHALF OF FDLE AND/OR THE TASK FORCE,
2 ENGAGED IN DISCUSSIONS WITH SOUTHERN BELL REPRESENTATIVES
3 REGARDING SOUTHERN BELL'S PROPOSALS FOR REDUCING OR
4 ELIMINATING LAW ENFORCEMENT CONCERNS ABOUT ITS "CALLER ID"
5 PROPOSAL?

6 A. Yes.

7 Q. DURING WHAT PERIOD OF TIME DID THESE DISCUSSIONS
8 OCCUR?

9 A. Between February, 1990, and June, 1990.

10 Q. WERE FDLE'S AND THE TASK FORCE'S CONCERNS RESOLVED BY
11 REASON OF THESE DISCUSSIONS?

12 A. No.

13 Q. PLEASE ENUMERATE SOUTHERN BELL'S PROPOSALS AND FOR
14 EACH PROPOSAL ENUMERATED, INDICATE FDLE AND THE TASK FORCE'S
15 RESPONSE AND CONCERNS.

16 A. The main options suggested to law enforcement by
17 Southern Bell were: (1) use of cellular phones, which do not
18 currently generate "Caller ID" number displays; (2) use of
19 operator-assisted calling, at a per call charge, whereby the
20 caller places the call through an operator and avoids
21 generating the caller's number on a "Caller ID" display; (3)
22 use of calling cards in placing calls, at a per call charge,
23 a method that does not currently generate "Caller ID" number
24 displays; (4) continued and greater use of pay phones for
25 investigative calls, which will produce "Caller ID" displays

1 of the pay phone numbers; (5) continued use of undercover
2 phone lines serving police agencies, which will produce
3 "Caller ID" display of the undercover line's number; (6) use
4 of "outgoing calls only" lines, designed not to be answered;
5 and (7) remote access to a limited number of unassigned
6 phone numbers predetermined by Southern Bell for use by law
7 enforcement agencies. All of these options proposed by Bell
8 proved to be objectionable for one reason or another. Even
9 the suggestions of value cannot be considered the sole
10 answer to FDLE and the Task Force's concerns about "Caller
11 ID" as proposed by Southern Bell.

12 First, many options suggested actually served to identify
13 the undercover caller as being someone special since calls
14 placed by law enforcement operatives utilizing the suggested
15 option would register on "Caller ID" units with notations
16 not normally received. For example, if "out of area" was
17 indicated on a "Caller ID" display unit, but the undercover
18 operative was supposed to be in the community, the
19 criminal's suspicions would be aroused. Use of "outgoing
20 only" lines still runs the risk that the location to which
21 such a line is assigned is identified by the criminal, or is
22 determined to be a location inconsistent with where the
23 person acting in the undercover capacity is supposed, in the
24 criminal's mind, to be calling from. Such an incident will
25 give rise to suspicion on the part of the criminal. Even so

1 little suspicion could jeopardize an investigation and
2 terminate law enforcement efforts even if the matter never
3 reaches the stage where the personal safety of operatives is
4 endangered. Unfortunately, however, when suspicions are
5 aroused in undercover operations, the potential for a
6 violent confrontation to resolve suspicions increases.
7 Second, the options would increase the cost of conducting
8 investigations. Suggestions like using only outgoing lines,
9 cellular phones, calling cards, operated assisted calling or
10 pay phones are out of the ordinary options, and cost more
11 than the present cost of doing investigative business. At a
12 time when law enforcement agencies are increasingly strapped
13 for funds, any increase of cost is unwelcome.
14 Third, the proposals were too cumbersome, and ignore the
15 practical realities of conducting undercover investigations.
16 To give a citizen informant undercover operative a calling
17 card or cellular phone makes a complex task of coordinating
18 the informant's efforts even more complex. It is
19 unrealistic to expect undercover informants to understand,
20 accept, and utilize complex options such as a remotely
21 dialed transfer systems and placing local calls through
22 calling cards or operators. The complexity of such options
23 will also add to delay in undercover operatives' placing of
24 calls. In the area of drug trafficking, investigations are
25 often fast-moving, changing at a moment's notice. Law

1 enforcement must maintain flexibility and the capacity to
2 adjust or respond simply and quickly.

3 Fourth, proposals were often "short term solutions" to the
4 "Caller ID" problem. The "out of area" readout will become
5 increasingly rare as technology improves and the ability to
6 provide caller numbers for other areas increases. In the
7 not too distant future, cellular phone numbers as well as
8 calling card numbers may be displayed via "Caller ID." FOLE
9 and the Task Force does not want to have to revisit this
10 problem four or five years down the road when "out of area"
11 readouts have all but been eliminated.

12 Fifth, many of the Bell proposed solutions completely ignore
13 the need of law enforcement to use confidential informants.
14 The use of cellular phones, credit card calling, etc. by
15 such informants would not be fiscally responsible due to the
16 potential for abuse. It will be a logistic nightmare to try
17 to coordinate and control access to such mechanisms by such
18 informants. Since undercover operations frequently involve
19 numerous law enforcement agencies, coordination between them
20 would also be difficult when it comes to limiting use of the
21 Southern Bell proposed options. Informants cannot be
22 expected to master these complexities, and to thrust them
23 into dangerous situations without assuring that we have done
24 all we can to protect them would be irresponsible. Failure
25 to adequately preserve the ability of all undercover

1 operatives to operate without detection could carry with it
2 grave consequences. Even knowledge that the potential risk
3 has increased by reason of "Caller ID" systems may have a
4 chilling effect on the willingness of many informants to
5 continue to cooperate with law enforcement.

6 Sixth, allowing remote access by undercover law enforcement
7 investigators to numbers preselected by Southern Bell is a
8 cumbersome process and carries with the inherent delays of
9 having to utilize Southern Bell "work orders" or other
10 processes to obtain such a number. As pointed out earlier,
11 investigations are often fast-moving, and law enforcement
12 may have the need to utilize multiple, quickly changing,
13 unassigned numbers to assist in the investigation.
14 Additionally, the use of unassigned numbers could jeopardize
15 investigations when the recipient of a call in which an
16 unassigned number is utilized calls the "Caller ID"
17 displayed number back and continually gets no answer, or
18 worse yet, obtains a recording that the number dialed is
19 "not in service."

20 Q. IF "CALLER ID" IN ANY FORM IS IMPLEMENTED, DOES FDLE
21 AND THE TASK FORCE SEEK ADDITIONAL SERVICES OR
22 CONSIDERATIONS FROM SOUTHERN BELL?

23 A. Yes.

24 Q. WHAT ADDITIONAL SERVICES OR CONSIDERATIONS ARE SOUGHT,
25 AND WHY ARE THEY SOUGHT?

1 A. A couple of documented situations come to mind that
2 require additional considerations. Frequently in kidnapping
3 cases, the kidnapers will utilize phones as a means of
4 communicating with the victim's family. In a case related
5 to me by a member of the Task Force, the victim's family was
6 required to call from certain phone locations identified by
7 the kidnapers. If "Caller ID" is implemented in any form,
8 law enforcement would need the ability to generate a display
9 of the expected originating phone number to the criminal
10 regardless of whether the phone expected to be used is
11 actually being utilized or not, since in many cases a
12 secure, controlled phone will be utilized instead of the
13 "selected" phone.

14 In another crime situation with similarities to the
15 kidnapping example, it has been documented that drug
16 traffickers are currently using "Caller ID" in areas where
17 it is being offered to verify that calls received are from
18 phones predetermined by the traffickers. Again, not only in
19 the examples I have provided, but in any undercover
20 investigation, law enforcement may wish to place calls from
21 phones other than those expected or preselected by the
22 criminals. It is essential that law enforcement agencies in
23 Florida have the ability to generate the phone numbers on
24 the "Caller ID" units of the criminals that the criminals
25 are expecting. As a result, a flexible, easily utilized

1 method of generating phone numbers must be provided to law
2 enforcement. This method must encompass generating assigned
3 phone numbers that are relevant to the investigation.

4 I have been assured by telephone company representatives
5 that technology currently exists to allow the delivery to a
6 "Caller ID" unit of such a surrogate number in lieu of the
7 actual caller's number.

8 The Task Force and FDLE recognizes that utilizing this
9 option and technology must be done responsibly. We are
10 prepared to implement safeguards to assure this occurs.
11 FDLE can, by internal policy and procedural safeguards, take
12 the steps to assure such an ability is not abused. For
13 example, no one on the Task Force or with FDLE would suggest
14 utilizing randomly selected phone numbers actually assigned
15 to innocent citizens. Generally, the numbers to be used as
16 surrogates for "Caller ID" display would have to have
17 immediate relevance to the investigation, such as a number
18 the criminal expects to be displayed. If a private number
19 assigned to an innocent party must be utilized as a
20 surrogate in lieu of the actual caller's number, guidelines
21 of the agency can assure that this is done with the
22 knowledge and consent of the party to whom the number is
23 assigned. For example, in a particular investigation a
24 source may have no objection to the use of his phone number
25 as a law enforcement surrogate display number.

1 As a point of clarification, let me point out that there
2 would be no need for a tool such as surrogate number
3 generating but for the implementation of "Caller ID" to
4 begin with. This special consideration is necessitated by
5 the display of caller's numbers the "Caller ID" system will
6 produce. This is a situation which, up until today, has not
7 been a problem that Florida law enforcement has had to
8 address.

9 There may be other law enforcement needs that develop as we
10 begin to cope with the criminal element's utilization of
11 "Caller ID" to its benefit. As these needs develop, we will
12 expect continued assistance from Southern Bell or any other
13 phone company offering "Caller ID."

14 It is our position that since these needs are generated
15 solely by reason of Southern Bell's proposal, then Southern
16 Bell ought to be obligated to make such additional services
17 or considerations available on a continuing basis.

18 Q. IF EACH PROPOSAL OF SOUTHERN BELL TO ELIMINATE OR
19 REDUCE LAW ENFORCEMENT'S CONCERNS ABOUT "CALLER ID" AS
20 PROPOSED BY SOUTHERN BELL WERE IMPLEMENTED, WOULD FDLE AND
21 THE TASK FORCE STILL MAINTAIN THEIR OBJECTION TO "CALLER ID"
22 AS PROPOSED?

23 A. Yes, because Southern Bell's solutions do not
24 adequately address the primary concern of law enforcement,
25 which is the protection of the safety of undercover

1 operatives.

2 Q. IN CONCLUSION, WOULD YOU BRIEFLY SUMMARIZE THE MAJOR
3 POINTS OF FDLE AND THE TASK FORCE'S OPPOSITION TO "CALLER
4 ID" AS PROPOSED BY SOUTHERN BELL?

5 A. First, and foremost, it endangers the safety of law
6 enforcement personnel. Second, the options offered by
7 Southern Bell are short term, costly, cumbersome, raise
8 their own concerns about safety of operatives, and could
9 have a net chilling effect on informants willingness to
10 assist in investigations. Third, the purported benefits to
11 citizens that can be obtained by "Caller ID" can be obtained
12 equally well or better by other phone system options such as
13 "Call Trace." These other options do not endanger the
14 safety of law enforcement personnel or operatives in an
15 undercover capacity. In undercover investigations, control
16 of the situation must remain with the law enforcement
17 agency. "Caller ID" as proposed by Southern Bell makes a
18 dangerous shift of that control to the criminal element.

19 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

20 A. Yes.

21

22

23

24

25

The Sun Balt Md. 5/6/90
Caller ID latest hit with high-technology drug dealers

By David Simon

If it rings, if it beeps, if it's cordless or mobile or equipped with digital display — if it can be used by one person to communicate with another — then rest assured that someone, somewhere will discover a way to sell drugs with it.

First came the telephone pagers — those tiny black boxes that allow street dealers to contact their customers and sources of supply without resorting to telephones that could be wiretapped. Those were followed by mobile cellular phones that allow drug dealers to make calls that can't be tied to any particular address.

“The problems for law enforcement are obvious.”

KATHARINE ARMENTROUT
Assistant U.S. attorney

And now, for the first time, drug enforcement officials in Baltimore are discovering yet another piece of telephonic equipment in their search and seizure raids: Caller ID, the digital-display equipment that allows a consumer to view the numbers

of incoming calls before picking up the receiver. Drug dealers use it to avoid taking calls that may be wiretapped.

“It's frightening,” said Assistant U.S. Attorney Katharine ArmentROUT, a federal prosecutor who saw Caller ID equipment confiscated in the recent raids against the Linwood “Rudy” Williams heroin organization. “The problems for law enforcement are obvious.”

Law enforcement concerns over Caller ID and its illegal capabilities are a replay of the reaction that followed earlier innovations in the telecom-

See FRONT PAGE, 12A, Col. 5

Caller ID plays into hands of Baltimore drug dealers

PHONES, from 1A

munications industry — innovations that have led to a covert war of electronic brinkmanship. As soon as drug traffickers discover the latest technology for avoiding detection, government surveillance experts begin looking for ways to thwart that technology.

The telecommunications industry anticipated none of this. Contact beeper companies that originally catered to doctors, lawyers and other professionals are belatedly coming to terms with the use of their product by drug traffickers. Many now require credit checks and corporate affiliations for customers.

And in the case of the mobile phone industry, law enforcement officials say they are still struggling with the resulting surveillance problems that were, by and large, unanticipated by the new cellular carriers that began springing up around the nation in the 1980s.

"When we came out with cellular systems," said Robert W. Maher, president of the Cellular Telecommunications Industry Association, "we had a vision — and indeed that vision has been realized — that it would change the way people do business. Of course, being optimistic, we didn't anticipate what that would mean when applied to illegal businesses."

For law enforcement, the fallout from the cellular revolution has come not only from the sophisticated ways in which drug dealers use the mobile equipment, but also from technical problems and limitations that continue to hamper surveillance efforts.

Initially, police and prosecutors struggled with wiretap techniques that often captured only portions of conversations, and in recent years, with fledgling cellular companies that had little experience or resources to contend with the blizzard of court-ordered wiretaps and subpoenas that can result from a complex drug probe.

In some cases, the cellular computer systems were themselves the culprit. Some computer hardware offers only a small number of access slots for wiretaps; other glitches in computer software packages make the monitoring of certain cellular phone models extremely difficult.

"Initially, these [cellular] companies weren't prepared to think . . . about investigations like we do," said Harvey E. Eisenberg, chief of the Organized Crime Drug Enforcement Task Force here. "It's taken them a couple years to come up to speed."

And now, while the cellular technology is still being digested by police and prosecutors, the latest electronic wonder, Caller ID, has been shoveled atop an already crowded plate: "The whole thing has really taken off," agreed Jack Taylor, who heads the Baltimore office of the federal Drug Enforcement Administration. "Like anything else, we need to get a handle on it."

In the case of Caller ID, the benefits to a drug dealer are apparent. The new technology allows a trafficker to note the number of any incoming call before picking up the receiver — screening calls in much the same way that a digital contact pager can be used.

If a number displayed on Caller ID is unfamiliar, a dealer might answer by telling the caller to go to a pay phone or a known extension — where a police wiretap is less likely — before discussing anything illegal. If he's especially cautious, the dealer might not even take the call.

That poses a risk to monitored phone conversations in which an informant or cooperator makes a taped call to the target of the probe in an attempt to provoke a discussion about illegal activities. Those calls are often from the offices of a state or federal drug enforcement agency, using undercover phone lines installed for that purpose.

Although the undercover lines have exchanges different from those used by the police agency, a drug dealer using Caller ID could nonetheless note that his associate is calling him from an unfamiliar exchange.

"The question then becomes, 'Where are you calling from?'" explained one federal surveillance expert, who asked not to be identified. "Or more to the point, 'Why aren't you calling me from your usual pay phone?'"

Although the problems for law enforcement are slowly becoming apparent, phone companies across the nation have — with some small irony — marketed Caller ID technology under the banner of crime prevention and personal privacy. The equipment can be effective at stopping abusive phone calls.

At the same time, phone company officials here in the Baltimore-Washington area say they are doing everything possible to make Caller ID technology compatible with law enforcement needs. Negotiations involving C&P officials and representatives of federal and state law enforcement agencies have been ongoing.

"We're committed to finding solutions," said Al H. Surman, spokesman for the C&P Telephone Co. "There are a number of things that can be done and that are being done."

Mr. Surman noted, for example, that the phone company has the ability to "block" certain numbers exchanged from Caller ID, so that a number of origin does not appear

on the digital display. Likewise, law enforcement officials say the technology exists to mask numbers allow them to appear on Caller ID as another number entirely.

Currently, many Baltimore phone exchanges are not linked to the Caller ID system and therefore "blocked" numbers should not arouse a drug trafficker's suspicions. Police officials note that as more of the state's phone system comes on line, that could change.

The phone company will be submitting its proposed response to the needs of law enforcement to the state Public Service Commission before June, Mr. Surman said. At the same time, he added, discussions between phone company and police officials are continuing.

Judging from recent experience with cellular phones — the preceding wave in the telecommunications tide — that dialogue is likely to prove essential if law enforcement officials are going to keep pace with the technology.

Attractive to drug traffickers because of their mobility and anonymity, cellular phones have been a part of the narcotics trade for several years. By acquiring a phone under another person's name — perhaps even from a cellular carrier in another city — a dealer can make calls from an extension that can't be traced to any address.

The benefit is, again, obvious:

If an investigator learns of a house or apartment used by a drug trafficker and establishes enough of a legal cause, he can seek a court-ordered wiretap of the phone listed at that address. But if that trafficker uses a cellular phone, the investigator must somehow learn the phone number, or alternatively, the name of the person to whom the phone was sold.

In the recent investigation of the Linwood Williams organization, investigators were able to monitor five such cellular extensions — despite the principal target's apparent belief that such phones could not be monitored. Mr. Williams at one point was overheard suggesting that his cellular extension could not be tapped, sources said.

In fact, cellular phones can be wiretapped like any other phone — at the central site where the phones are linked to a computer system which is, in turn, linked to regular phone service.

However, unlike the regular phone companies — whose security personnel have been dealing with law enforcement agencies for decades — the younger cellular companies are often ill-prepared for long, complex drug investigations. "At first they balked when they saw how much information we needed," said one investigator in the Williams probe. "Eventually, they had to bring in more people."

In the Williams investigation, in fact, federal prosecutors had to appeal directly to high-level executives at Bell Atlantic, one of this area's two cellular carriers, to ensure a full and timely response to a series of subpoenas and court orders. Statutes require phone companies to comply with court orders for documents or phone intercepts.

In addition to a lack of support staff, the cellular companies are in many cases also contending with computer equipment that limits investigators to a handful of access slots for wiretaps. These wiretap slots — a relatively limited number compared with regular phone companies — must serve not only the state and local police departments in this area, but also intelligence agencies such as the CIA, NSA or FBI.

Mr. Mather, the cellular industry association president, conceded that much of the current computer equipment designed for the phone systems was manufactured with little thought to telephone security or law enforcement. A new generation of digital computer systems is expected to alleviate some of the problems within the next few years, he added.

Law enforcement officers say technical refinements will help, but nothing can change the fact that telephone communications have permanently transformed the drug trade. A decade ago, the investigation of a heroin wholesaler might have rested on a routine telephone wiretap; now that same probe could require a string of subpoenas and court orders to a half-dozen beeper firms and cellular companies.

In the current environment, even street-level dealers have insulated themselves against all but the most determined electronic surveillance. To maintain contact with his supplier, a dealer merely uses the pay phone to dial the source's contact beeper number, then waits at the phone for the supplier to call back and take the order.

Simple, secure, effective.

In a response that typifies the status quo, C&P officials and Baltimore prosecutors have managed to answer that particular innovation with one of their own. At selected pay phones in Baltimore's worst drug markets, outgoing calls are permitted. Incoming calls — the ones on which a street dealer waits for supply — are now blocked by the phone company.

"We've done that in several locations," said James Hochberg, who heads the narcotics unit of the city state's attorney's office.

"It doesn't stop all the trafficking, but it helps."

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