

DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

To: ~~John Egan~~ ~~Robby Griffith~~  
Hank Goldberg

Attached is what I  
provided Sen. Muskie's  
office during the week that  
was. It's such a great  
story, I thought you'd like  
to have it for your  
Privacy Committee files.

Doug

The Office of Telecommunications Policy (OTP) has been one of the most active members of the Domestic Council Committee on the Right of Privacy. Its efforts on behalf of protecting the individual's right of privacy have included:

- Initiating with others in the Administration the creation of the Domestic Council Committee on the Right of Privacy
- Spearheading the fight against the FEDNET plan of GSA
- Insisting that the acquisition and use of any home warning receiver be a voluntary decision by each citizen
- Opposing creation without further study of a nationwide data bank of criminal justice information by adding a message-switching capability to the FBI's National Crime Information Center
- Initiating legislation to prohibit cable TV operators from disclosing, except by court order, personally identifiable information about cable subscribers
- Providing leadership in assuring that adequate study is made of the privacy implications of consumer records generated by electronic funds transfer systems

- Initiating university-based study of privacy issues, including telephone monitoring, participant monitoring and wiretapping.

OTP's charter, by Executive Order, mandates concern for personal privacy in relation to the interface between telecommunications and automated data processing systems. OTP operates with 52 people and a projected FY '76 budget of \$9 million.

OFFICE OF TELECOMMUNICATIONS POLICY

August 11, 1972

Log In No. 2-811

INFORMATION MEMORANDUM

To: MR. WHITEHEAD

From: Charles Joyce

Brief Summary of the Material:

Description of proposed OTP role in Law Enforcement drafted by Bill McMahon.

Why it is worthwhile to read:

Background for your visit to APCO on Monday, August 14.

## OTP Role in Law Enforcement Telecommunications

One of the most critical domestic problems facing the United States today is that of crime and its resulting costs. This problem has shaken the very roots of our criminal justice system and challenged our most advanced technology.

There is no question today by all those involved that an effective and efficient criminal justice system requires the support of dynamic telecommunications systems operated on a local, State, Federal, and international level. This requirement is valid for all four facets of our criminal justice system: (1) law enforcement, (2) prosecution, (3) courts, and (4) corrections. However, the law enforcement component is our first line of defense against crime and as such has the most critical requirement for telecommunications. Based upon this need, law enforcement agencies have made a serious effort to develop and obtain telecommunications systems. The other criminal justice components: prosecution, courts, and corrections have only recently recognized the need for telecommunications because of their inability to process the caseload being delivered to them by the law enforcement component.

In some cases, State laws have been passed which require the transmission of real-time information from a central data bank

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to a specific criminal justice component. New York State recently passed such a law which required the transmission of a suspect's current criminal record from a central data bank (NYSIIS) to the appropriate court at time of trial. This action has caused the rapid expansion of an existing law enforcement facsimile net to include all the courts throughout New York State. The requirement for information services for and between all facets of the criminal justice system is recognized today but implementation is proceeding on a hit-or-miss basis.

It should be noted that the law enforcement communications' needs or requirements, although different in scope, contain all the functions required by any of the other three facets of the criminal justice system. It is therefore reasonable to identify and deal with those communication functions required by law enforcement as those required by the criminal justice system in general.

The communication functions required by a law enforcement agency are generally accepted as follows:

1. Communication between the public and the agency.
2. Communication within the agency.
3. Communication among cooperating law enforcement agencies.
4. Communication between the law enforcement agency and other criminal justice agencies.

5. Communication between the law enforcement agency and other related agencies.

New trends in law enforcement telecommunications are developing based upon the increasing communication needs of law enforcement agencies, advancements in technology, and several important factors regarding our present society:

1. Criminal mobility due to our advancements in transportation technology has placed an extra burden on communications required between departments on a local, State, Federal, and international level.

2. Population mobility due to our advancements in transportation, our leisure time, urbanization, and employment trends has placed an extra burden on communications between the public and the agency.

3. Increased concern for civil rights has placed an extra burden on the need for improved communications both within and between agencies requiring real-time information on individuals and increased security in the storage, retrieval, and communication of information.

4. Urbanization, in that a criminal can quickly get lost in it after committing a crime, has put an extra burden on

communication between the public and police, and on communication both within and between departments.

5. Urbanization, in that it causes the overlapping of criminal jurisdictions, has put an extra burden on the need for increased communication between agencies.

6. Political/geographical subdivisions such as towns, cities, counties, and States has placed technical and administrative burdens on communications between and within these subdivisions.

7. Technological advancements being available to the criminal requires a greater emphasis on the security of law enforcement telecommunications systems and their related computer systems.

OTP, under section 2, paragraph E, of Executive Order 11556, has an important role to play in the coordination of the numerous law enforcement telecommunications activities of the executive branch. In the past, the Federal law enforcement agencies have suffered because of the lack of R&D and operational funds which could be utilized in the telecommunications area. However, they have developed telecommunications systems of varying degrees of sophistication independently of each other and responsive only to their agencies' mission. Under such conditions, it is obvious that many unwanted by-products, such as, duplication of facilities, partial



utilization of lines, poor use of frequency allocations and the inability of the various law enforcement agencies to talk to each other or even to communicate within their own bureaus, would result.

Today, due to our present domestic crisis resulting from an increasing crime rate, there is some semblance of planning, inter-agency relationships, technology sharing and program recognition on an agency or department level. However, since there is no point of coordination between law enforcement agencies, all the above mentioned unwanted by-products plus many others will continue to result.

OTP, in its role of coordinator, can effect economies and improve the efficiency and effectiveness of all Federal law enforcement telecommunications systems by causing the following to come about:

1. The identification of individual agency telecommunications requirements based upon their law enforcement responsibilities.
2. The identification of department level telecommunications requirements based upon their law enforcement responsibilities and the law enforcement telecommunications requirements of those agencies within the department.
3. The identification of the overall telecommunications requirements based upon the national need for intercommunications between all Federal law enforcement efforts.

4. The establishment of a forum for the interchange of information concerning law enforcement telecommunications concepts, technology test models, R&D, and other related programs.

5. The development of recommended staffing and their respective training based upon agency requirements to ensure the proper planning and design of new or improved systems.

6. The establishment of mechanisms to arrange for specialized technical assistance in the development of law enforcement telecommunications systems in such areas as planning, design, and budgeting.

7. Frequency management on a Federal level based upon the overall law enforcement telecommunications requirements.

8. The establishment of special task groups to address common problems.

9. The development of objective national policy and standards based upon national goals in the law enforcement area.

10. The coordination of Federal, State, local, and international law enforcement communications systems.

There are four general grouping of law enforcement telecommunications systems, all of which OTP could play an active role in their future development.

1. Federal law enforcement telecommunications systems.
2. State and local law enforcement telecommunications systems.
3. International law enforcement telecommunications systems.
4. The interface systems between any or all of the other three.

The number 1. group (Federal law enforcement telecommunications systems) would appear to be a priority area for OTP attention based upon the fact that these systems: (a) are national in scope and impact, (b) involve agencies of the executive branch, (c) contain elements of possible competing, overlapping, duplicative or inefficient programs, and lack leadership and coordination at a national level.

OTP's responsibilities for identifying competing, overlapping, duplicative, or inefficient programs as set forth in section 2, paragraph G, of Executive Order 11556, would also be accomplished by its involvement in the basic planning of Federal law enforcement telecommunications systems.

The responsibilities assigned to OTP by section 2, paragraph K, of executive Order 11556, to "conduct studies and analyses to evaluate the impact of the convergence of computer and communications technologies" can best be accomplished in the law enforcement field. There probably is no other civilian function being performed today on both a State and Federal level which has had more practical experience with the merger of these two technologies.

Section 2, paragraph L, which relates to the coordination of Federal assistance to State and local governments in the telecommunications areas is extremely pertinent today in regard to LEAA. LEAA budgets have grown from 63 million in FY 1969, to 268 million in FY 1970, to 529 million in FY 1971, to 698 million in FY 1972.

Although percentage-wise, only a small amount is given directly to telecommunications programs, it is an area which has and will continue to receive substantial funding. Much of this funding has and will probably continue to fall into the convergence of the computer and telecommunications technologies and into the support of programs not identified specifically as telecommunications projects. The "search" program for the transmission of criminal histories between States on a computer-to-computer basis is a prime example (approximately \$1,300,000 has been expended to date).

OTP should play an active role in LEAA telecommunications funding to States for several reasons:

1. State systems impact upon adjacent States and Federal law enforcement systems.

2. Most of these systems are unique and pilot in nature and therefore must be monitored to determine their capabilities and limitations. It is critical that the results of these programs be properly disseminated.

3. There is a need for an objective focal point to which State law enforcement communications planners may come to for assistance.

4. OTP is responsible for insuring that the Nation's law enforcement telecommunications system (Federal, State, local, and international) is responsive (effective and efficient) as a whole. LEAA is basically concerned with unique telecommunications projects and programs.

In order to establish and refine the OTP role in law enforcement telecommunications, there are three initial steps which must be taken to establish a proper foundation. These steps have no particular order or priority individually; however, it is important that all three be accomplished if OTP is to develop a law enforcement telecommunications program which can have an impact upon law enforcement operations. These steps are as follows:

1. OTP must make the law enforcement community aware of its concern for their telecommunications problems because of the importance and impact of their overall mission on our nation. This can be accomplished by recognizing that their communications requirements are unique and by the dedication of OTP resources to their problems.

2. The development of a meaningful relationship between OTP and Federal law enforcement agencies and departments. This relationship should be based upon obtaining several initial goals.

a. Insuring that telecommunications management is properly placed, organized, staffed, and trained in all the Federal agencies concerned with law enforcement.

b. The development of a coordinating mechanism between departments for the discussion and resolution of common law enforcement telecommunications problems.

3. The development of a meaningful operating relationship between OTP and LEAA. This could include OTP assisting in all or selected telecommunications programs funded by LEAA.

Once OTP has established and staffed a law enforcement program area, individual projects should be selected and pursued. These projects should be selected based upon their relative impact on the national law enforcement mission and not on the uniqueness at the level of technology involved.

Several project areas are as follows:

1. The 911 program and related demonstration projects.
2. Law enforcement secure voice requirement project.
3. Law enforcement facsimile systems.
4. Enhancement of Interpol (International Police Organization) communications.

5. Secure voice net for presidential security.
6. Public call box demonstration project.
7. Special public safety telecommunications systems for  
the handicapped.
8. Demonstration projects within LEAA.
9. Review of incoming LEAA telecommunication proposals.
10. Public safety telecommunications manual.