

**DEPUTY CHIEF CHARLES DOWD
COMMANDING OFFICER, COMMUNICATIONS DIVISION
NEW YORK CITY POLICE DEPARTMENT**

**TESTIMONY ON USING SPECTRUM TO ADVANCE PUBLIC SAFETY,
PROMOTE BROADBAND, CREATE JOBS, AND REDUCE THE DEFICIT**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY**

TUESDAY, APRIL 12, 2011

Chairman Walden, Congresswoman Eshoo, members of the Committee. Thank you for this opportunity to testify.

Let me begin by expressing our gratitude to Representatives Peter King and Bennie Thompson for their bipartisan effort that has resulted in the introduction of House Bill H.R.607, the "Broadband for First Responders Act of 2011," and to Senator Jay Rockefeller for introducing Senate Bill S.28, the "Public Safety & Wireless Innovation Act." Due to their efforts and the co-sponsors on both Bills, we are closer than ever to providing our nation's first responders with a tool they desperately need: a nationwide mission-critical broadband network dedicated to public safety. We are also very grateful for President Obama's support for this vital issue. However, we are missing an essential element in accomplishing this goal -- we need the support of the members of this Subcommittee to get this legislation passed.

I come to Washington today not only on behalf of the NYPD, but as the representative of every public safety organization and agency in the Country, and the over 32,000 law enforcement, fire, and emergency medical chiefs, whose agencies and life-saving operations will benefit enormously from this technology. We consider it essential to the future of our mission. The need to reallocate the D block spectrum to public safety is a view shared by agencies large and small, urban and rural, across this country.

Like virtually all other public safety organizations, the New York City Police Department relies principally on two-way voice radios to communicate. This technology is extremely limited. It cannot exchange electronic data or video. We have made some progress on radio interoperability since the 9/11 attacks, but disparate spectrum and aging technologies prevent first responders from attaining truly nationwide seamless interoperable communications. Broadband on 700 band spectrum would allow us to be seamlessly interoperable on all levels, local, state, and federal.

Police Commissioner Raymond Kelly recently testified that a 16 year old teenager has more communications capability on a smartphone than a police officer or firefighter. I hope that Members of this Subcommittee consider this fact and agree that this situation cannot continue. Inaction on D Block reallocation risks not only the public's safety but also the lives of those whose job it is to protect them.

Two weeks ago, the Chairmen of the President's 9/11 Commission, Governor Thomas Kean and Congressman Lee Hamilton, testified before Congress about first responder needs. Their testimony was in part, and I quote:

The inability of first responders to communicate with each other was a critical failure on 9/11 [that] led to needless loss of life We support the immediate allocation of the D-block spectrum to public safety. We must not approach these urgent matters at a leisurely pace. We don't know when the next attack or disaster will strike. Further delay is intolerable.

A number of recent studies have clearly proven the need for public safety to have a 20 mhz block of spectrum for a broadband network: the City of New York issued a white paper based on throughput analysis of the City's NYCWiN network that identified the need for more than 10 mhz; a report commissioned by the Government of Canada for public safety indicated that the spectrum need would exceed 20 mhz in the long-term; a study by Phoenix Center in Washington, D.C. found that assigning the D block to public safety provides at least \$3.4 billion more in social benefits as opposed to an auction; and lastly, several papers by Mr. Andrew Seybold, a nationally recognized expert in the field, concluded that 10 mhz of spectrum is simply not enough.

For some time now we in public safety have stated that we want to be as spectrally efficient as possible. We know that the flexibility of broadband technology allows for the potential of network use by other governmental agencies, public utilities, as well as public/private partnerships that could bring broadband technology to the public in underserved rural areas. The efficiencies of such a network would dramatically reduce operating costs for local and state governments while maintaining the public safety mission-critical nature of such a network. We have agreed to use commercial technology that will allow us to take advantage of the economies of scale. We are also prepared to work with the FCC to study the feasibility of returning currently-held spectrum if sufficient broadband spectrum is allocated to us. We understand the current fiscal realities, but the need for the network coupled with the cost savings means we simply can't afford not to build it.

Some have made the argument that reallocation is not necessary because public safety communications can use commercial networks. You should know that every major public safety organization in the country has explicitly rejected this option as unworkable. Our experience with commercial networks, and especially the failures that sometimes occur, like during 9/11 or Hurricane Katrina, tells us these networks are definitely not interchangeable with dedicated public safety networks. There are fundamental differences in the architecture that go to the heart of public safety communications. Simply put, commercial networks are not designed for the crisis demands that first responders inevitably will put on them.

A dedicated public safety network would enable the NYPD to fully leverage the powerful technology that we use in our Real Time Crime Center. This state-of-the art facility is a massive database containing billions of public and classified records. We've made this database searchable with the latest smartware. Twenty-four hours a day, crime center detectives take calls from investigators in the field, looking to follow up on various leads they've obtained: a partial license plate, a seemingly untraceable cell phone number, a nickname, or even a tattoo. They conduct instant, on the spot searches, something that previously could take days.

Now, we are looking to put this technology in the hands of thousands of officers on patrol. An officer operating on this network could be sent highly detailed information about a location to which he or she is responding. Even before those officers arrive, they will be able to know who resides there;

whether or not the police have been there before and why; if any of the occupants has an outstanding warrant, prior arrests, an order of protection, or a firearms license. They will be able to take electronic fingerprints at the scene and compare these instantaneously with city and state records.

To give you one example, as part of our response to the attempted car bombing in Times Square last May, we deployed a robot to inspect the vehicle. As is the case with all of our robots, it was controlled by its operator through a thin, fiber-optic cable. Our need to maneuver around fire hoses and other obstacles on the street increased the risk that the cable would be run over and severed. If that had happened, we would have lost control of the robot. With a dedicated broadband network, we could operate multiple robots simultaneously and share video and data with other local, state, and federal law enforcement.

Right now, these capabilities do not exist. But they will if Congress reallocates the D block and provides the necessary funding to build this hardened, mission critical network.

With the tenth anniversary of the 9/11 attacks rapidly approaching, we urge the Congress in the strongest possible terms to pass the above legislation and send it expeditiously to the President for his signature. The New York City Police Department looks forward to the day when public safety users can share a nationwide network that supports voice, video, and data on an integrated wireless network. For the sake of the security of cities and towns all across this country, we sincerely hope we see that day before a new attack or disaster.

Thank you again for this chance to testify. I would be pleased to answer any of your questions.