Testimony of Director Eddie L. Reyes

Office of Public Safety Communications

Prince William County, VA

Before the House Committee On Energy and Commerce

Subcommittee on Communications and Technology

September 26, 2018

Chairman Blackburn and Ranking Member Doyle:

Thank you for giving me the opportunity to testify before you today. It is an honor and a privilege to be selected to represent the 9-1-1 industry at this hearing and be a part of this bipartisan process. My name is Eddie Reyes. I am Director of the Office of Public Safety Communications in Prince William County, Virginia, which is also known as the Public Safety Answering Point (PSAP), Emergency Communications Center (ECC) and 9-1-1. At the national level, there are more than 6, 500 primary and secondary Federal, state, tribal, and local PSAPs which process approximately 300 million calls to 911 annually.

In addition to serving almost 500,000 residents in Prince William County, we provide wireless 911 service for five smaller municipalities within Prince William County, to include dispatching their police, fire and rescue personnel. We are part of the National Capital Region (NCR) which has a population of over 6 million residents. My center has just over 100 employees that received and processed 409,388 phone calls in calendar year 2017, of which 154,576 were emergencies and 254,812 were non-emergency. Of the 409,388 calls for service that we received, 251,174 calls were for police service and 44,658 were for fire and rescue service.

The large difference between the number of calls received and those dispatched is that today, almost everyone has a smartphone, and most major incidents, like a crash on a major highway, will generate many calls from witnesses, but only one dispatch. Our call volume is further broken down to approximately 82% of our calls are for police service and approximately 18% for fire/rescue service. Approximately 85% of the 154,576 phone calls we received came from wireless phones, which can make location accuracy for these callers very difficult if they do not know their location or are unable to speak it.

We started text-to-911 in July of 2017 and so far, we have hundreds of texts-to-911, including a minor child who reported being sexually assaulted by a family member but was unable to speak due to her abuser being within earshot.

Prior to becoming the PSAP Director in Prince William County, I was a police officer in Alexandria, VA for over 25 years where I retired as the senior deputy chief and second in command of the Police Department. I worked in almost every unit of the Police Department, including being the PSAP director in 2001 during the September 11th attack at the Pentagon and the 2002 Beltway Snipers that gripped the NCR with fear for three weeks. I am also the Chairman of the International Association of Chiefs of Police Communications and Technology Committee.

H.R. 6003

This is a bill that everyone I've spoken to can support and get behind. And let me just say for the record that in preparation for my testimony today, I've spoken to 911 center directors, their staff, law enforcement officers and major associations, such as the Association of Public Safety Communications Officials (APCO) and the National Emergency Number Association

(NENA). Even before the FBI officially coined the term “swatting”, 9-1-1 centers across the country have been fighting a complex and ever-evolving threat to the safety of citizens and public safety alike. Swatting is the dangerous and evil tactic of triggering emergency services via a hoax call to an emergency services dispatcher, who in turn causes the sending of a large police response to an address where no emergency exists. The caller typically triggers this huge response by making a false report of a serious crime in progress, such as a homicide in progress, a hostage situation, or other similar incidents. I used the word dangerous above deliberately and carefully, because as a former law enforcement officer, I know all too well how ramped up law enforcement officers get when responding to these calls for service and the firepower that typically accompanies these officers when responding to these calls for service. This can place innocent persons in danger when the officers arrive at the address dispatched when they are slow or reluctant to follow an officer’s commands, which can oftentimes be at gunpoint, because the citizens have no idea what is happening. They’ve been set up. And in today’s world where school shootings and workplace violence are almost daily occurrences, a calltaker receiving one of these calls treats it as if it is factual until proven otherwise and law enforcement officers respond with the same mentality.

Earlier this year in Prince William County, an unknown caller called the Emergency Communications Center to report that he was feeling “homicidal” and was about to enter a school. The calltaker tried her best to reason with the caller begging him not to enter the school and eventually the call was disconnected. This generated a large police response from two police departments. When they arrived at the school, it was determined to be a false call.

In 2017, a swatting attack proved deadly when a Kansas man was shot and killed by police officers after someone falsely reported a hostage situation at his home. Since 2014, over 370 swatting incidents or threats have been reported to the FBI, demonstrating the ongoing impact of this issue and varying degrees in severity (e.g., loss of life, property, money) these attacks pose. Secondary risks from swatting incidents include the potential of use as a diversionary tactic to divert first responders' attention away from another planned, real incident of greater impact to public safety and national security.

The best legal recourse and deterrence to swatting are strict laws and enforcement combined with strong punishment. However, as we all know, consistent legal recourse for swatting attacks is very limited in scope. Most states and municipalities do not have laws that address these types of incidents, so at best, those who are identified and arrested often only face misdemeanor charges. Swatting has proven not only costly for 9-1-1 centers and field responders, but also extremely difficult to combat. Thus, enhancing the penalties for swatting and providing reimbursement to public safety agencies will be very helpful.

9-1-1 is Built on Trust

Today's 9-1-1 is not the 9-1-1 we grew up with. Some states and localities have transitioned to advanced IP-based calltaking and dispatch functions, trading notepads and light boards for half a dozen computer monitors, three keyboards, and high-speed internet connections. These advances, part of the transition to Next Generation 9-1-1, will allow a far more robust connection between a caller and public safety, and will provide 9-1-1 with the tools to better guide incident response and save lives.

But the fundamentals of 9-1-1 remain the same. The calltaker's headset remains as much a symbol for the 9-1-1 community as the stethoscope is for medicine or the gavel is for law. When you call 9-1-1, you connect to a human telecommunicator. That telecommunicator will ask you questions about the nature of your emergency while preparing an appropriate and timely response by police, fire, and EMS. Telecommunicators ask crucial questions about the nature and context of the incident, the identity and condition of the people involved, and the dangers to citizens and responders that may still remain. Every shift, telecommunicators remain calm and collected while taking in graphic information about shootings, domestic violence, car accidents, and any number of other incidences many of us go through our lives never having to experience.

In most of the United States, 9-1-1 telecommunicators know very little apart from what they're told by the caller. Non-voice information generally only consists of the caller's phone number and their location (the accuracy of which can vary widely depending on many factors). So at the end of the day, a telecommunicator has no choice but to trust the caller. This trust is key to understanding the difficulty faced by 9-1-1 when combating "swatting".

Swatting is Not a New Phenomenon

Swatting is not a new phenomenon. In fact, the term officially turned ten this year.[1]

[1] *See generally* https://archives.fbi.gov/archives/news/stories/2008/february/swatting020408

Motivations for swatting include revenge, rejected sexual advances,[2] fame, mischief,[3] or some combination thereof.[4] Most swatting victims are regular citizens, but past victims include Hollywood celebrities like Ashton Kutcher, Tom Cruise, and the Kardashians; countless YouTube gamers;[5] and even one of your colleagues in Congress, Rep. Katherine Clark of Massachusetts, who became a victim after introducing legislation to help combat swatting and other online harassment.[6] The individuals and teams who carry out these attacks do not need to be local, either — by using VoIP services to make it appear that they're calling from a local line, swatters can work with no geographic restrictions on them or the locations of their victims. This freedom lets swatters work as mercenaries, carrying out multiple swatting operations across the country in exchange for pay.[7]

Public safety's response to a swatting call varies widely based on a number of factors, including the nature of the fake call, the responding agency's capacity to respond to threats of serious violence, 9-1-1's skepticism of the caller's truthfulness, telecommunicator experience and training, and countless other factors.

---

[2] *See* https://www.wired.com/2009/06/blind_hacker/ ("The FBI began investigating [Matthew] Weigman after he staged a 2005 hostage hoax that sent police to the Colorado home of Richard Gasper, a TSA screener whose daughter refused phone sex with Weigman.")

[3] *See generally* https://www.nytimes.com/2015/03/21/technology/online-swatting-becomes-a-hazard-for-popular-video-gamers-and-police-responders.html, and https://www.cnn.com/2013/03/11/showbiz/kutcher-swatting-conviction/index.html

[4] *See generally* https://www.theguardian.com/us-news/2018/jan/15/tyler-barriss-swatting-death-regret

[5] *See generally* https://www.youtube.com/watch?v=gedVHbgIt7c; and https://www.csmonitor.com/USA/USA-Update/2015/0209/What-are-police-doing-to-prevent-swatting

[6] https://www.npr.org/2018/01/02/575043357/latest-swatting-incident-keeps-rep-clark-pushing-for-legislation

[7] See https://krebsonsecurity.com/2018/01/serial-swatter-swautistic-bragged-he-hit-100-schools-10-homes/comment-page-1/, ("'Bomb threats are more fun and cooler than swats in my opinion and I should have just stuck to that,' SWAuTistic said. 'But I began making $ doing some swat requests.'")

Diffusing the situation involves, at best, a tense conversation between the swatting victim and responding officers; and at worst, the accidental death of a person with absolutely no involvement in the original dispute.[8]

The Cost of Swatting

Estimates of the nationwide impact of swatting vary, but we know that it is common, widespread, and costly. The costs of swatting involve not only money, but also time, energy, trust, and human life.

Footing the Bill

The types of incidents most commonly fabricated for the purposes of swatting — bomb threats, mass shootings, and hostage situations, for example — demand a significant expenditure by the responding agency. Agencies must pay not only for SWAT personnel, the use of tactical equipment, and fuel for SWAT vehicles, but also ancillary incident services like traffic control, fire and EMS availability, mutual aid, and other logistical and operational support. For example, a 2015 incident in Rochester, New York, required not only the 30-member SWAT team, but also an additional 30 uniforms for support.[9] Mutual aid in dense urban areas only multiplies the costs: a 2014 Long Beach, New York, incident involved more than 70 responders from local police as well as units from the county and transit authorities.[10]

---

[8] https://www.nbcnews.com/news/crime-courts/three-including-intended-victim-charged-kansas-swatting-death-n876946

[9] https://www.marketplace.org/2015/05/19/tech/swatting-not-new-phenomenon-cost-rising

[10] *See* https://www.thedenverchannel.com/news/front-range/greeley/swatting-hoax-cost-25000-for-law-enforcement-response-to-bogus-hostage-incident-in-greeley

The estimated cost of that response was around $100,000. In Colorado, a campus swatting resulted in a nearly $25,000 response by units from half a dozen jurisdictions.[11]

A Drain on Resources

Swatting's impact is more than just budgetary, of course. Assembling a response to a fake incident forces an agency to divert resources keeping units from responding to other, *real* emergencies in the area. Swatting incidents are stressful for responders, as well — any time a major threat to public safety occurs, first responders know they'll be putting their lives on the line when they respond. It's hard to overstate the difficulty a police officer faces when he or she has to "come down" from the heightened state of response to sort out the fact that his or her agency has been duped into responding to a fake incident.

Swatting Frequency

Swatting also appears to be increasing in frequency. As streaming of online games through sites like YouTube and Twitch increases, the opportunities for — and potential targets of — swatting multiply. I ask that you aggressively move forward to legalize this legislation.

---

[11] https://www.thedenverchannel.com/news/front-range/greeley/swatting-hoax-cost-25000-for-law-enforcement-response-to-bogus-hostage-incident-in-greeley

H.R. 6424

According to the Federal Communications Commission Ninth Annual Report to Congress on state collection and distribution of 9-1-1 and enhanced 9-1-1 fees and charges for the period from January 1 to December 31, 2016, states like New Jersey and West Virginia used a portion of their 9-1-1/E-9-1-1 funds to support non-9-1-1 related public safety programs. Illinois, New Jersey, New Mexico, and Rhode Island used a portion of their 9-1-1/E-9-1-1 funds for either non-public safety or unspecified uses. And while New York did not submit a report in response to the 2016 data collection, sufficient public record information exists to support a finding that New York diverted funds for non-public safety uses. Every PSAP that I know of has funding challenges – either impacting them with staffing shortages; outdated technology; poor training and little to no policy. Every cent diverted from 9-1-1 could be used to enhance these major vulnerabilities that are ever so present in almost every Center.

At the federal level, one of the key tools for combatting fee diversion has been that states lose eligibility for federal 9-1-1 grants. Currently a $115 million grant program is being implemented. However, when you compare that to the FCC's most recent figure for diverted fees -$128,909,169 - the potential loss of grant funds isn't necessarily compelling. That's one reason that a more significant federal grant program could be so helpful for modernizing 9-1-1. According to the FCC's report, the amount of funding provided by 9-1-1 fees ($2.8B) isn't even close to covering the annual cost to provide 9-1-1 service ($3.5B). Thus, significant federal funding is essential for achieving NG9-1-1. 9-1-1 cannot and should not have to struggle against the rest of public safety for funding. 9-1-1 needs a solid, sustainable, predictable method of funding, dedicated and non-diverted. 9-1-1 fees is the only reliable source of funding for PSAPs.

H.R. 5700

This bill caused the most amount of discussion and disagreement with the 9-1-1 Directors that I spoke with. While some were supportive of a public safety short code for mobile users for non-emergency circumstances because of ease and standardization for the caller, it can bring some unintended consequences to emergency communications centers, such as significantly increasing their call volume without consideration for additional staffing. Currently, there are many different wireless short codes in operation across several states throughout the United States - 311, 411, 511, #77, just to name a few. A national non-emergency number would help consolidate the multiple numbers that exist today into a singular, standardized number that could decrease confusion and improve non-emergency response times. Non-emergency numbers, primarily used on highways, allow individuals to quickly and easily contact public safety in critical times of need that do not rise to the immediate emergency level (i.e., car malfunctions).

As an example, in many major metropolitan areas, commuters often travel across as many as five municipalities in order to commute to work. In order for one of these commuters to notify a communications center of a non-emergency incident, they would have to look up the non-emergency number for each jurisdiction, which can often be difficult to locate. This can be dangerous if the person searches for this number while driving, discouraging if it becomes too burdensome, or else people will just do what is easiest safest for them – dial 9-1-1 anyway.

In July 1996, the Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS) made a formal request to the FCC to reserve 3-1-1 as a national non-emergency hotline. In February 1997, the FCC approved this request, designating 3-1-1 as a national,

voluntary, non-toll, three-digit phone number for non-emergency calls. To promote the proliferation of this model, the COPS Office awarded millions of dollars in funding to support the implementation, enhancement, and evaluation of 3-1-1 state/local non-emergency systems, which has demonstrated numerous benefits across the country. A public safety short code for mobile users for non-emergency circumstances could prevent 9-1-1 overload while still responding to citizens' needs, but the mere presence of a non-emergency short code is only a first step. In order to take advantage of a national non-emergency short code, the 9-1-1 industry would need to tackle three aspects of implementation.

PSAP operations will need to change in order to effectively utilize a three digit short code, for starters. Calltakers would need to be trained on the proper procedures to take with this new technology. Transfers to 9-1-1 would need to be as close to seamless as possible for the telecommunicators and the caller, bringing about an added cost to the Center.

9-1-1 technology would need to adapt. There would need to be a seamless transition from a three digit non-emergency call center to a 9-1-1 center (the two may be geographically distinct in some situations) adopting common standards as much as possible, like i3, and interoperable call processing equipment (CPE) and computer aided dispatch (CAD).

Last, but just as important as the other two is outreach and public education. 9-1-1 is universally recognized as the go-to emergency number because the public has been educated on that fact for the past 50 years. Any three digit non-emergency short code system will need to develop, implement, and maintain a public education program that ensures the community understands which number to use and why. Confusion between the two numbers can cause delays which can threaten lives.

In California, for example, as many as 45 percent of the more than 8 million cell phone calls to 9-1-1 each year are for non-emergencies. The growing dependence on 9-1-1 has caused backlogs and inefficiencies for first responder agencies, leading to a variety of consequences for callers with emergency needs. A response to this crisis is needed to reduce the number of non-emergency calls to 9-1-1 and keep 9-1-1 phone lines available to help people experiencing life-threating emergencies. As a result, a non-emergency short number could ensure individuals are able to contact public safety officials when reporting non-emergency situations – regardless of what state they are in.

So, as you can see, there is lots to consider before advancing any bill calling for a public safety short code for mobile users for non-emergency circumstances. I recommend that this matter be forwarded to the Federal Communications Commission for further review and consideration and that a formal group/committee return a well thought-out recommendation to this Committee. There are just too many unknowns and unintended consequences to 9-1-1 centers that could have a crippling effect despite all of the positive impacts.

In closing, I'd like to take a brief moment to thank Representatives Shimkus and Eshoo for joining with their co-chairs of the NextGen 911 Caucus to send a bipartisan letter to the Office of Management and Budget urging OMB to revise the Standard Occupational Classification to accurately represent the life-saving nature of the work performed by 9-1-1 professionals. 911 professionals work behind the scenes to protect the lives of the public and first responders. It's disappointing that the federal government labels them as "Office and Administrative and Support Occupations," but Mr. Shimkus and Ms. Eshoo, your support and recognition meant a lot to our community.

After all, emergency telecommunicators are the "*first of the first responders*". I'm very grateful for the attention this Committee has given to these very important bills that enhance public safety in general, but most importantly, seem to assist the 9-1-1 industry the most. We should all strive to make our public safety first responders as effective and efficient as possible when responding to any emergency.