

HOUSE COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY,  
AND THE INTERNET



TESTIMONY OF  
CHIEF WILLIAM J. BRATTON  
LOS ANGELES POLICE DEPARTMENT  
  
REPRESENTING  
MAJOR CITIES CHIEFS ASSOCIATION

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Good Morning Chairman Boucher and members of the Committee.

My name is William J. Bratton and I currently serve as Chief of the Los Angeles Police Department. I would like to thank you for this opportunity to appear before you today to discuss a critical issue—wireless broadband communications for public safety.

I am here today speaking on behalf of the Major Cities Chiefs Association (MCC), which is comprised of the Police Chiefs of the sixty-three largest police departments in the United States and Canada. The fifty-six U.S. cities represented in MCC are America's centers of industry, transportation, education, and commerce. Their police departments provide public safety services to roughly forty percent of America's population. MCC members are active in advisory roles to the Department of Justice, the Department of Homeland Security, and the Department of Defense. The Association is non-partisan, serving member departments and their populations. The Major Cities Chiefs Association strives to provide effective solutions to modern day urban problems as well as prevent, protect against, and respond to crime and hostile acts launched against the U.S. or Canada.

### **700 MHz D Block**

As you know, the Federal Communications Commission auctioned portions of the 700MHz spectrum in May 2008. Although total auction proceeds significantly exceeded expectations, one block of spectrum, the 700 MHz D Block, failed to attract a successful bidder. This was, in part, because of a requirement that the winner construct a broadband

wireless network built to public safety standards using the combined D Block and adjacent Public Safety 700 MHz spectrum.

Commercial wireless network operators are reluctant to build wireless networks designed to meet public safety survivability standards. When faced with this prospect during the D Block auction, potential bidders balked. The cost to meet Public Safety coverage and reliability standards was simply beyond their ability to gauge. The risk was too great. The Commission's failure to anticipate the reluctance of bidders to assume this risk doomed the auction from its inception. We believe that a second auction would likely suffer the same fate.

Under current law, the F.C.C. is required to auction the D Block. We believe this course of action is not in the public interest, since it would likely generate little revenue for the Federal Government and allocate to commercial use scarce spectrum resources urgently needed by Public Safety. The Major Cities Chiefs urge the Committee and Congress to consider an alternative—enact legislation to reassign the D Block from the auction pool and reallocate it to Public Safety. This action would result in two 10 MHz blocks of spectrum that will provide the foundation for a sustainable nationwide Public Safety wireless broadband network.

### **Investment in Public Safety Communications Technology**

In my 40+ year law enforcement career, I have been both a witness to and part of the evolution in policing technology. When I began as a police officer in Boston, the walkie-

talkies that were available to us were so big and bulky that no one even wanted to carry them. While I was Commissioner at the NYPD, we developed the COMPSTAT model that utilized timely information, gained through technology, and we were able to drastically reduce crime rates. Today, many agencies have established Real Time Crime Centers that are leveraging new technology to do an even more effective job of fighting crime. Very soon, we will be moving to a Predictive Policing model where, by studying real time crime patterns, we can anticipate where a crime is likely to occur. Without question, this evolution has been driven by the improvements in information technology.

Of course, in order to be useful, information needs to be relevant, accurate, and timely. But just as important, it must be accessible. New technologies such as automated license plate readers, biometrics, medical telemetry, automated vehicle location, and streaming video only scratch the surface of the capabilities that will be carried by broadband networks. The D Block is critical for the accessibility of information to First Responders across our nation.

Although some have questioned how to offset the potential loss of revenue resulting from the D Block being taken off the auction block, we see this scenario in fundamentally different terms. We view the reallocation of the D Block as a critically needed investment in Public Safety rather than as a loss of revenue. This investment of spectrum into Public Safety will reap large dividends far into the future.

Let me offer an example. In Los Angeles, a recent Rand Corporation study showed that the negative economic impact of a single homicide in our city is four million dollars. Now, mind you, this four million dollar figure is actually a conservative number. Utilizing technology, we have been able to reduce the number of homicides in Los Angeles by over 300. This has resulted in a net positive economic impact of \$1.2 billion. My budget at LAPD is currently \$1.2 Billion. Thus, because of our crime reductions, we have actually become revenue neutral.

### **Public Safety Needs the D Block**

Investing the D Block spectrum for use by Public Safety will benefit both urban areas as well as rural areas. In urban areas, the full amount of spectrum will be necessary to support the myriad of current and emerging broadband applications that are transforming public safety operations nationwide. In rural areas, the added spectrum can be used as collateral to form public-private partnerships, thereby reducing or eliminating a financial burden that such jurisdictions would otherwise have to assume to either build their own network or become a subscriber on a less reliable commercial broadband network. In either case, granting this spectrum to Public Safety puts First Responders in a position to determine how best to manage this scarce resource.

### **Consensus Among Public Safety Organizations**

After the failure of the D Block auction last year, there was significant confusion in the Public Safety community about how best to proceed with this critical issue. I am pleased to report today that in the last five months the major Public Safety organizations have

come together in an unprecedented effort to forge a consensus on how to make a wireless public safety broadband network a reality.

- On April 20<sup>th</sup> and May 28<sup>th</sup>, meetings hosted by Major Cities Chiefs and APCO in Washington DC resulted in a consensus among Public Safety organizations to urge Congress to remove the requirement to auction the D Block and assign it to the Public Safety Broadband Licensee (PSBL).
- During June and July, Long Term Evolution (LTE) was endorsed as the technology platform of choice for the nationwide 700 MHz Public safety broadband network by major public safety organizations including APCO, PSST, NPSTC and NENA.
- On September 4<sup>th</sup>, the National Public Safety Telecommunications Council (NPSTC) 700 MHz Broad Band Task Force (BBTF) issued their Report and Recommendations. Among these recommendations is that the D Block should be assigned to Public Safety. Also included in this report were draft standards that, if adopted by the FCC, would ensure national interoperability between any of the jurisdictions licensed to operate in the Public Safety network.

The Public Safety organizations that support reallocation of the D Block to Public Safety include:

- International Association of Chiefs of Police (IACP)
- International Association of Fire Chiefs (IAFC)
- Major Cities Chiefs Association (MCCA)
- Metropolitan Fire Chiefs (MFC)
- Major County Sheriffs Association (MCS)

- National Sheriffs Association (NSA)
- Association of Public Safety Communications Officials International (APCO)
- National Emergency Management Association (NEMA)
- Public Safety Spectrum Trust (PSST)
- National Public Safety Telecommunication Council (NPSTC)

### **Waiver Requests**

At this time, I would like to address the issue of the pending waiver requests. Under current FCC rules, the existing 10 MHz of spectrum assigned to the PSBL cannot be utilized and remains fallow. The following jurisdictions have filed waiver requests with the FCC seeking to build local or regional broadband wireless networks utilizing this spectrum prior to the construction of a nationwide network:

- Boston, Massachusetts      San Francisco Bay Area (San Jose, Oakland, SF)
- State of New York      City of New York      District of Columbia
- Chesapeake, Virginia      San Antonio, Texas      State of New Mexico
- State of North Dakota      State of Hawaii      State of New Jersey
- Iowa Public Safety Broadband Coalition      City of Charlotte North Carolina

Reading the above list of waiver requests, it is apparent that communities large and small, urban and rural have come to the realization that a public safety broadband wireless network is a critical and urgent need. They have also come to the conclusion that they

can construct local networks either alone or through a public-private partnership arrangement.

It is important to recognize that public safety control of the spectrum does not preclude public-private partnerships in jurisdictions that would benefit from such a relationship with a commercial provider. Such an arrangement will be particularly advantageous in jurisdictions where there is less Public Safety demand for spectrum. In these areas, the network capacity can be leveraged to induce commercial entities to partner with government to construct successful broadband wireless networks that serve the needs of both Public Safety and the larger community. By leveraging existing Public Safety and commercial infrastructure, Public Safety in both rural and urban areas will reduce or eliminate the costs associated with their build outs. The waiver requests filed by such entities as the State of New Mexico, the Iowa Public Safety Broadband Coalition and the State of Hawaii, among others, challenge the assumption that rural jurisdictions are incapable of forming partnerships with commercial providers to build broadband wireless networks.

These jurisdictions are the resident experts; they know local conditions better than anyone else. Through their waiver requests, they are asserting that they can and will form public private partnerships to build local wireless broadband networks that will immediately support Public Safety as well as be interoperable with other nationwide Public Safety broadband networks when deployed.



## **Qualified Waivers Should Be Granted**

We urge the F.C.C. to expeditiously review the pending waiver requests and grant all requests that meet their requirements. Granting waivers to jurisdictions with qualified proposals will permit early build out of local and regional broadband networks. In addition to gaining access to broadband applications on a daily basis, these jurisdictions will also benefit from increased interoperability during an event requiring a multi-agency or multi-jurisdictional response. Public Safety responders from one regional broadband network will be able to respond to a different jurisdiction and utilize their own communication devices to immediately assist the local First Responders.

As a further benefit, early network deployments will provide an environment for Public Safety users to test broadband technology under real world conditions. Additionally, Public Safety-specific applications can be developed, tested and perfected in advance of the nationwide network deployment. This will aid greatly in the refining of the standards necessary for the build out and operation of the Public Safety wireless broadband system.

## **Conclusion**

In closing, we urge that you take the legislative action necessary to invest this spectrum in Public Safety nationwide. The benefits gained from such an investment in First Responder communications will dramatically transform how we serve the public we have all sworn to protect. Thank you for this opportunity to address these important issues, I will be pleased to answer any questions that you may have.