

STATEMENT OF
DEPUTY CHIEF CHARLES F. DOWD
COMMANDING OFFICER, COMMUNICATIONS DIVISION
NEW YORK CITY POLICE DEPARTMENT

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS AND RESPONSE



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Good morning Chairwoman Richardson, Ranking Member Rogers, and members of the Subcommittee. I am Deputy Chief Charles Dowd, Commanding Officer of the New York City Police Department's Communications Division. On behalf of Police Commissioner Raymond Kelly, I want to thank you for the opportunity to discuss with you today the critical need for Congress to act to ensure that public safety agencies will be able to communicate effectively, now and in the future.

I speak today not only for the NYPD and the City of New York, but also on behalf of my colleagues in law enforcement who are part of the Public Safety Alliance, whose member organizations include the International Association of Chiefs of Police, the National Sheriffs' Association, the Major Cities Police Chiefs, the Major County Sheriffs' Association, the Association of Public Safety Communications Officials, and the National Emergency Management Association. We are also gratified by the continued support of the Big Seven, and a host of other organizations too numerous to mention.

We are greatly encouraged by the widening support in the House for the bipartisan bill introduced in April by Representatives Peter King and Yvette Clarke. This legislation, H.R. 5081, **Broadband for First Responders Act of 2010**, currently co-sponsored by fifty-five members of the House, calls for the re-allocation of the D-block directly to public safety.

We would like to take this opportunity to applaud Senator Joseph Lieberman, Senator John McCain, and Senator John D. Rockefeller for their recent commitment to support allocation of the 10MHz of spectrum, known as the D Block, to public safety for the creation of a nationwide public safety interoperable mobile broadband network, which will assist public safety to continue to protect their communities nationwide.

Senator Lieberman and Senator McCain announced last week the introduction of the **First Responders Protection Act of 2010** in the U.S. Senate. This bill, would not only allocate the D Block to the public safety community, but would ensure that funding is available for a nationwide public safety interoperable mobile broadband network.

We are also pleased by the recent announcement by Senator Rockefeller that he intends to introduce the **Public Safety Spectrum and Wireless Innovation Act**. This legislation would allocate the D Block to public safety and provide the funding to create and implement a public safety interoperable broadband network.

The President's recently-issued Executive Memorandum directing a study to identify 500 MHz of additional spectrum for broadband services over the next ten years is very encouraging. The plan calls for the initial proceeds from the sale of this spectrum to be allocated to the build-out of the nationwide public safety broadband network. Since the D block accounts for less than two percent of the total spectrum to be identified we see this as an action that could potentially solve the problems of funding and spectrum. Sale of some of the other 500 MHz of spectrum would support a public safety build while re-allocating the D block.

Many of us in public safety have previously stated that broadband technology will create a paradigm shift in public safety communications. The recent event in Times Square confirms the need for information sharing capabilities that will allow first responders to be effective in preventing such an attack. The ability to share information in real time on a local, state, and federal level is critical to that goal.

We have heard recently the allocation of the D block to public safety referred to as a "gift". This is an inaccurate characterization. It is an investment in our national security that is desperately needed. In 1932 the NYPD took an historic step that changed forever how the Department responded to emergencies. It invested in its first radio communications network. This created a paradigm shift in policing. Its importance was such that the NYPD changed the name Patrol Car to RMP, or Radio Motor Patrol car, a term still in use some 78 years later. That technology has remained virtually unchanged for 80 years. Broadband is the technology that will create the next paradigm shift for public safety communications, and ultimately solve the problem of interoperability that was so tragically apparent on September 11, 2001.

Allocating the D Block to public safety will provide first responders with the bandwidth required for the eventual migration of mission critical voice to 700 LTE as envisioned in the National Broadband Plan. The Public Safety Alliance shares this vision and looks forward to a day in the not too distant future when public safety users can share a nationwide network that supports voice, video, and data on an integrated wireless network, and abandon the web of disparate legacy networks that impedes interoperability today. The recent FCC whitepaper on broadband spectrum requirements for public safety is unfortunately not based on fact. The main source cited in that paper, NPSTC, has already filed with the FCC indicating that its data was not properly applied, and has urged

the FCC to use the actual data supplied to it from the only existing public safety broadband system, New York City's NYCWIN, which we contend proves the need for more spectrum.

Some have suggested that Public Safety's objectives are to exclusively hold the D Block for our own use. This is simply not the case. We have always supported the idea of a public – private partnership for the use of the D Block. Our position is that the best way to accomplish this is through competitive negotiated contracts or what is more commonly referred to as a Request For Proposal or RFP. This process of using RFP's has been endorsed by many of the wireless carriers. We feel that such an approach is completely consistent with the FCC's broadband plan.

We believe that these RFP's should be developed in concert with the FCC to ensure consistency and competitiveness. Like Congress and the FCC, public safety wants to maximize the efficient use of spectrum but we must be able to manage and control the network so that our data traffic has absolute priority. Our experience with commercial network failures tells us we need network control to ensure guaranteed access and security. The RFP process will allow all carriers, private wireless data providers and new businesses to access this spectrum for the common good. The benefit to this process is that it doesn't exclude anyone, allows for competition and provides access for new companies seeking to provide wireless commercial broadband data service. It also allows for a mechanism to not only share development and deployment cost, but it also can provide an ongoing funding stream to local government for the use of the shared spectrum. Most importantly, it would provide public safety a highly efficient LTE network that public safety controls and manages, ensuring access for our first responders.

The organizations that comprise the Public Safety Alliance are unified in the goal of establishing for the first time a nationwide interoperable mission critical voice and data public safety broadband network. They are not motivated by profit or politics. Our sole motivation is a desire to serve the public we are sworn to protect. I thank you for your attention to this important issue, and I will be happy to answer any questions from the Subcommittee.