

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
Amendment of Part 11 of the Commission's)	PS Docket No. 15-94
Rules Regarding Emergency Alert System)	
)	

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these comments in response to the Notice of Proposed Rulemaking (NPRM) in the above captioned proceeding.¹ The NPRM seeks comment on a proposal to adopt a new Emergency Alert System (EAS) event code that will allow transmission of “Blue Alerts” over EAS to the public. A Blue Alert is a voluntary notification to the public when a member of law enforcement is missing, in imminent danger from a credible threat or has been seriously injured or killed in the line of duty. The Commission also requests comments on the implications of transmitting Blue Alerts over the Wireless Emergency Alerts (WEA) system. As addressed in these comments, NPSTC supports the availability of both the EAS and the WEA as tools to help provide Blue Alerts to the public when the lead law enforcement agency involved in an incident voluntarily decides it would be beneficial to issue a Blue Alert to the public. The lead law enforcement agency at a given incident must have the discretion whether or not to issue a Blue Alert as there may be instances in which doing so would be counterproductive to law enforcement safety.

¹ Notice of Proposed Rulemaking, *Amendment of Part 11 of the Commission's Rules Regarding Emergency Alert System*, PS Docket No. 15-94, released June 22, 2017.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 16 organizations serve on NPSTC's Governing Board:²

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Council of Statewide Interoperability Coordinators
- National Emergency Number Association
- National Sheriffs' Association

² These comments represent the views of the NPSTC Governing Board member organizations.

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office for Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, Communications Technology Program). Also, Public Safety Europe is a liaison member. NPSTC has relationships with associate members: The Canadian Interoperability Technology Interest Group (CITIG) and the Utilities Technology Council (UTC), and affiliate members: The Alliance for Telecommunications Industry Solutions (ATIS), Open Mobile Alliance (OMA), Telecommunications Industry Association (TIA), TETRA Critical Communications Association (TCCA), and Project 25 Technology Interest Group (PTIG).

Background

The NPRM in which the Commission proposes to add a Blue Alerts code to the Emergency Alert System (EAS) is a follow-up activity to the Blue Alert Act passed by Congress in 2015.³ The Commission also cites Executive Order 13774, published in February 2017 which states that it shall be the policy of the executive branch to “enhance the protection and safety of Federal, State, tribal, and local law enforcement officers...”⁴ The NPRM notes that the proposal to add a Blue Alerts event code to the EAS is designed to facilitate the apprehension of suspects who pose an imminent and credible threat to law enforcement officials and to aid search efforts to locate missing officers.

As required by the Blue Alert Act, the U.S. Department of Justice designated the Director of its Office of Community Oriented Policing (The COPS Office) as the National Blue Alert

³ Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015, Pub. L. No. 114-12, 129 Stat. 192 (2015).

⁴ See Exec. Order No. 13774, 82 Fed. Reg. 10695 (Feb. 9, 2017).

Coordinator. Review of a report from the COPS Office to Congress issued in May 2017 cited in the NPRM identifies the progress made since passage of the Blue Alert Act.⁵ Importantly, the COPS Office established an Advisory Group to provide feedback. The Advisory Group which meets quarterly currently consists of nine members as follows:⁶

- Fraternal Order of Police (FOP)
- National Association of Police Organizations (NAPO)
- Blue Alert Foundation, Inc.
- International Association of Chiefs of Police (IACP)
- National Sheriffs' Association (NSA)
- National Law Enforcement Officers Memorial Fund (NLEOMF)
- Association of Public Safety Communications Officials (APCO)
- National Association of Broadcasters (NAB)
- First Responder Network Authority (FirstNet)

Three of these members of the Advisory Group, IACP, NSA and APCO, also are Governing Board members of NPSTC. With input from its Advisory Group, the COPS Office Director has developed a set of voluntary guidelines for states to use in developing Blue Alert plans. The report also indicates that “In October 2016, the COPS Office commenced outreach efforts with the FCC to pursue a dedicated Blue Alert EAS event code.”⁷

NPSTC Comments

The Commission seeks comment on whether its proposal to establish a specific Blue Alert Code to the EAS would “...help facilitate the implementation of the Blue Alert Act Guidelines in a compatible and integrated manner nationwide as contemplated by the Blue Alert Act.”⁸ NPSTC believes the answer to the Commission’s question is a resounding “Yes” and applauds the

⁵ Rafael Ramos and Wenjian Liu National Blue Alert Act REPORT TO CONGRESS, May 2017, United States Department of Justice, Office of Community Oriented Policing Services.

⁶ Report at pages 3 and 4.

⁷ Report at page 8.

⁸ NPRM at paragraph 11.

Commission for proposing to add the EAS code “BLU” to Section 11.31 of its rules that lists a compilation of EAS codes associated with various types of alert activations. The COPS Office specifically reached out to the Commission to pursue establishment of such a Blue Alerts code for the EAS. In NPSTC’s view, the Commission should pursue any tool available at its disposal that assists law enforcement in the difficult, demanding and dangerous job it has in protecting the public. The addition of the “BLU” code for the EAS to assist law enforcement in the voluntary issuance of Blue Alerts to the public is an example of such Commission action.

The Commission cites the COPS Office guidelines to define the circumstances under which Blue Alerts would be issued. The guidelines set forth three criteria, one of which should be met before issuance of a Blue Alert. In summary, the three criteria include instances when a law enforcement officer 1) has been killed, seriously injured or seriously attacked, or 2) has been subjected to an imminent and credible threat of death or serious injury, or 3) is missing in connection with official duties.

NPSTC believes it is extremely important to recognize that initiation of a Blue Alert to the public in any of these types of situations is voluntary. The COPS Office guidelines indicate that a Blue Alert may be initiated by a law enforcement agency having primary jurisdiction over the incident. NPSTC believes this is one of the most important elements of the guidance that should form the basis for issuance of Blue Alerts to the public. Law enforcement agencies involved in an incident have the best perspective on whether issuance of a Blue Alert to the public would be beneficial or may have unintentional negative consequences for an officer in danger or could jeopardize an investigation.

In fact, the COPS Office report to Congress indicates that:

The voluntary guidelines address two complementary yet separate components of the Blue Alert Act: public alerts and law enforcement sensitive (LES) alerts. Public alerts directed at media outlets and affected communities provide suspect or missing officer information that is appropriate for public dissemination. LES alerts directed at affected law enforcement agencies provide sensitive information that is accessible only to law enforcement personnel. Public and LES alerts are often sent concurrently.⁹

Therefore, it is important to recognize that the Commission proposal relates to issuance of Blue Alerts to the public, not law enforcement sensitive alerts.

In the NPRM, the Commission notes that EAS alerts are distributed in two ways: (1) over-the-air, through a hierarchical, broadcast-based “daisy chain” distribution system, and (2) over the Internet, through the Federal Emergency Management Agency’s Integrated Public Alert and Warning System (IPAWS), which simultaneously sends data-rich alerts in the Common Alerting Protocol (CAP) format to various public alerting systems.¹⁰ The NPRM also indicates that EAS alerts are limited to a two-minute time limit.¹¹

The Commission questions whether information required under Blue Alerts Guidelines can be communicated within a two-minute timeframe and whether Blue Alerts that contain extra text files or other data-rich content would benefit from IPAWS’ capabilities. The NPRM also seeks input whether the lack of such data-rich content delivered over the internet through IPAWS but not over the broadcast daisy chain distribution system would have a negative impact on the value of EAS alerts. The Commission also asks whether Blue Alerts should be issued over both the Emergency Alert System, and the Wireless Emergency Alerts System, the latter of which uses commercial wireless systems and associated wireless devices to reach the public.

⁹ Report at page 4.

¹⁰ NPRM at paragraph 2.

¹¹ NPRM at paragraph 9.

NPSTC recommends the Commission take action as needed so the option exists to issue Blue Alerts over broadcast stations, the internet and wireless networks to the extent possible. Where technically possible, and to be of the greatest value, such alerts should provide law enforcement the option to include an image of a suspect under pursuit, the license plate of a vehicle of interest, or when deemed appropriate, the image of an officer who is in danger. NPSTC believes the option to include such images significantly add to any emergency alert or wireless emergency alert, whether for purposes of a Blue Alert, an Amber Alert or otherwise.

Ideally, images would be an option regardless of the mechanism by which a Blue Alert is issued, and certainly could be the goal over time. However, just as with other types of alerts currently, some information is better than no information. Therefore, NPSTC does not view the different capabilities of the various alerting mechanisms as a fatal disadvantage to the overall initiative. Also, we believe that many members of the public obtain alert information via multiple mechanisms. Therefore, an alert with only the most basic information may very well “alert” a member of the public to monitor other delivery methods to obtain additional related information like images. NPSTC recommends the Commission continue to coordinate with the COPS Office on these issues as it finalizes any decisions in this Blue Alerts proceeding and defines the mechanisms for issuance of Blue Alerts.

Conclusion

NPSTC supports the Commission’s proposal to add a dedicated Blue Alert code to the Emergency Alert System, as has been requested by the COPS office. NPSTC also supports the issuance of Blue Alerts over the Wireless Emergency Alerts system as the public increasingly uses wireless devices to monitor and access information. Where technically possible, and to be of

the greatest value, such alerts should provide law enforcement the option to include an image of a suspect under pursuit, the license plate of a vehicle of interest, or when deemed appropriate, the image of an officer who is in danger.

All Blue Alerts, whether transmitted via the EAS or the WEA, should be initiated voluntarily by the lead public safety agency involved in an incident, as provided for in the COPS Office guidance. Law enforcement agencies involved in an incident have the best perspective on whether issuance of a Blue Alert to the public would be beneficial or may have unintentional negative consequences for an officer in danger or could jeopardize an investigation.

Finally, NPSTC recommends the Commission continue to coordinate with the COPS Office as it finalizes decisions in this proceeding. The COPS Office, and its Advisory Group that includes several NPSTC member organizations, should have a keen sense of awareness on how best to support the Blue Alerts initiative.

Ralph A. Haller, Chairman



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