

**Before the  
DEPARTMENT OF COMMERCE  
National Telecommunications and Information Administration**

In the Matter of )  
 )  
Preventing Contraband Cell Phone Use in ) Docket No. 100504212-0212-01  
Prisons )  
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**COMMENTS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION**

The National Emergency Number Association (“NENA”)<sup>1</sup> respectfully submits the following comments in response to the National Telecommunications and Information Administration (“NTIA”) Notice of Inquiry on Preventing Contraband Cell Phone Use in Prisons (“NOI”).<sup>2</sup> NENA appreciates the focus in the NOI on the importance of preserving the ability to complete 9-1-1 calls at all times and the protection of first responder communications. To that end, NENA urges NTIA to make the impact on 9-1-1 and other emergency services a central element of any evaluation of the technologies discussed in the NOI.

NENA shares NTIA’s concern with the proliferation of contraband cell phones in prisons, and endorses the implementation of all responsible tools to combat the problem. It is well established that contraband cell phones are used from within prisons to coordinate crimes

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<sup>1</sup> NENA is The Voice of 9-1-1.<sup>TM</sup> NENA promotes implementation and awareness of 9-1-1 as North America’s universal emergency number and is the leading professional non-profit organization dedicated to 9-1-1 emergency communications issues. NENA serves its nearly 7,000 members in 48 chapters across the U.S., Canada and Mexico through policy advocacy, establishment of technical and operational standards, Next Generation 9-1-1 development, certification programs and a broad spectrum of educational offerings. More information about NENA is available at [www.nena.org](http://www.nena.org).

<sup>2</sup> NTIA, Preventing Contraband Cell Phone Use In Prisons, *Notice of Inquiry*, Docket No. 100504212-0212-01, 75 Fed. Reg. 26733 (2010) (“NOI”).

both on the outside and within the prison, to harass and intimidate witnesses, victims, and others, and to otherwise facilitate illegal activities. This problem must be addressed. However, in evaluating potential technological solutions, NTIA must make the preservation of public safety its top priority by focusing upon the protection of 9-1-1 and other emergency services. Indeed, in instructing NTIA to investigate this problem, Congress expressed a strong preference for “technologies that do not pose a risk of negatively affecting commercial wireless and public safety services in the areas surrounding prisons.”<sup>3</sup> As wireless 9-1-1 calls lay at the nexus of these two services, they warrant special attention in this proceeding.

The ability to place a 9-1-1 call is an essential functionality of mobile telephones. Indeed, for many Americans the ability to call 9-1-1 for help during an emergency is one of the main reasons they own a cell phone. Public safety estimates place the number of all 9-1-1 calls made through cell phones around 50%.<sup>4</sup> Anecdotal information provided to NENA by 9-1-1 centers across the country puts the number closer to 75% in many areas. CTIA estimates that over 291,000 wireless 9-1-1 calls are placed every day.<sup>5</sup>

Wireless communications and effective access to 9-1-1 are clearly important for consumers. In addition, access to wireless services is also essential for emergency responders who rely on their own wireless networks and also commercial systems. In light of the crucial role of wireless 9-1-1 calls to facilitate emergency response and protect the public, as well as the use of wireless communications by emergency responders, these communications warrant special, and heightened, consideration in any policymaking that could impact mobile telephony.

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<sup>3</sup> See H.R. Conf. Rep. No. 111-336 (2009), Division B, Title 1, Page 619.

<sup>4</sup> See Federal Communications Commission, “Wireless 911 Services” <http://www.fcc.gov/cgb/consumerfacts/wireless911srvc.html> (last visited June 10, 2010).

<sup>5</sup> See CTIA, “US Wireless Quick Facts” <http://www.ctia.org/advocacy/research/index.cfm/AID/10323> (last visited June 10, 2010).

NENA is concerned that NTIA might consider recommending the use of technologies in prisons that could disrupt the ability of legitimate users of commercial wireless services from placing emergency calls from inside or around these facilities. Because they interfere with all wireless communications within their reach, NENA is concerned about the possibility for wireless jammers to block 9-1-1 calls. Although NTIA has conducted some preliminary tests on the operation of cell phone jamming technologies, these tests did not adequately consider the potential impact of wireless jammers on emergency communications. Before making any policy recommendations in this area, NTIA should conduct further testing to demonstrate conclusively whether wireless jammers might prevent 9-1-1 calls.

Moreover, NTIA has conducted no testing on alternative technologies that might pose little or no risk of harm to 9-1-1. As noted above, Congress has expressed a strong preference for NTIA to investigate technologies that would not adversely affect commercial and public safety services. However, the testing and reporting done to date by NTIA is solely related to jamming technology. NENA believes there may be ways to better balance the public interest in deterring criminal activity, on the one hand, and protecting lawful communications from interference on the other. NTIA should consider alternative solutions, including managed access and detection systems, to the problem of contraband cell phone use in prisons to identify the best approach to solve the problem while not disrupting emergency communications.

In addition to potentially blocking 9-1-1 calls, NENA understands that some wireless jammers may interfere with other public safety communications. For example, many mission-critical voice and mobile data communications services used by first-responders could potentially be obstructed by wireless jammers. In a time of emergency, a public safety communications breakdown could have disastrous results. Thus, NTIA is encouraged to conduct

a detailed investigation, supported by field testing, into the potential for interference with any public safety communications of any technological solution being considered.

In closing, NENA reiterates its support for the goal of eliminating the use of contraband cell phones in prisons. As an organization focused on emergency communications and working closely with the entire public safety community, NENA appreciates the significant dangers posed by this trend. However, in addressing this problem, NTIA must ensure the complete protection of 9-1-1 calls and other emergency communications. Moreover, NTIA should fully investigate and explore all technical options available for mitigating the effects of contraband cell phones, without adversely affecting the delivery of emergency 9-1-1 calls or the use of wireless communications by emergency responders.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Halley". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

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