

Bill as Introduced

SB 435 - AS INTRODUCED

2010 SESSION

10-2847

05/03

SENATE BILL **435**

AN ACT relative to the provision of caller locations in emergency situations.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Letourneau, Dist 19; Sen. Houde, Dist 5; Sen. Bragdon, Dist 11; Rep. Kurk, Hills 7; Rep. Renzullo, Hills 27; Rep. Charron, Rock 7; Rep. Welch, Rock 8

COMMITTEE: Commerce, Labor and Consumer Protection

ANALYSIS

This bill requires wireless telecommunications carriers to disclose caller locations to law enforcement in certain emergency situations.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the provision of caller locations in emergency situations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Title. This act shall be known as “the Kelsey Smith act.”

2 2 New Subdivision; Enhanced 911 System. Amend RSA 106-H by inserting after section 15 the
3 following new subdivision:

4 Wireless Telecommunications Carriers
5 106-H:16 Disclosure of Caller Location in Emergency Situations.

6 I. Upon request of a law enforcement agency, a wireless telecommunications carrier shall
7 provide call location information concerning the telecommunications device of the user in order for
8 the requesting law enforcement agency to respond to a call for emergency services.

9 II. No government official except for the chief of, or a superior officer of, the primary
10 investigating law enforcement agency shall request call location information. Such information shall
11 not be requested or obtained except when the agency has used all reasonable law enforcement
12 investigative strategies and techniques to determine that the individual in question is a missing
13 person and the circumstances surrounding the disappearance indicate that the individual is in
14 danger of serious bodily harm or death at the hands of another or due to a mental or physical
15 disability. The call location information shall be activated through the public safety answering point
16 as part of the statewide enhanced 911 system.

17 III. Except for emergency situations pursuant to this section, wireless telecommunications
18 carriers shall not disclose call location information without the prior written consent of the person
19 contracting for the wireless telecommunications service.

20 IV. No cause of action shall lie in any court against any wireless telecommunications carrier,
21 its officers, employees, agents, or other specified persons for providing call location information while
22 acting in good faith and in accordance with the provisions of this section.

23 V. The department of safety shall obtain contact information for all wireless
24 telecommunications carriers authorized to do business in this state in order to facilitate a request
25 from a law enforcement agency for call location information in accordance with this section.

26 VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A,
27 relative to the notice and disclosure requirements provided in this section.

28 VII. In this section, “wireless telecommunications carrier” shall have the same meaning as
29 commercial mobile radio service provider in RSA 106-H:8.

30 3 Effective Date. This act shall take effect 60 days after its passage.

SB 435 - AS AMENDED BY THE SENATE

03/17/10 0927s

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9 II. Such call location information shall be provided by a wireless telecommunications carrier
10 if the wireless telecommunications carrier, in good faith, believes that an emergency involving
11 danger of death or serious physical injury to any person requires disclosure without delay.

12 III. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a
13 wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily
14 disclose call location information.

15 IV. No government official except for the chief of, or a superior officer of, the primary
16 investigating law enforcement agency shall request call location information. Such information shall
17 not be requested or obtained except when the agency has used all reasonable law enforcement
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22 answering point as part of the statewide enhanced 911 system.

23 V. No cause of action shall lie in any court against any wireless telecommunications carrier,
24 its officers, employees, agents, or other specified persons for providing call location information while
25 acting in good faith and in accordance with the provisions of this section, except that paragraph IV
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27 carrier be obligated to make an affirmative determination that the requesting law enforcement
28 agency or public safety answering point has met the threshold requirements of paragraph IV. In
29 addition, wireless telecommunications carriers shall provide the most accurate call location
30 information available, given the technical and other limitations that may impact the accuracy of the

SB 435 - AS AMENDED BY THE SENATE

- Page 2 -

1 call location information in the relevant area.

2 VI. The department of safety shall obtain contact information for all wireless
3 telecommunications carriers authorized to do business in this state in order to facilitate a request
4 from a law enforcement agency for call location information in accordance with this section.

5 VII. The commissioner of the department of safety shall adopt rules, under RSA 541-A,
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7 VIII. In this section, "wireless telecommunications carrier" shall have the same meaning as
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8 the requesting law enforcement agency to respond to a call for emergency services or an emergency
9 situation that involves the risk of death or serious physical harm. The wireless telecommunications
10 carrier shall provide the most accurate call location available, given the technical and other
11 limitations that may impact the accuracy of the call location information in the relevant area.

12 II. The department of safety shall obtain contact information for all wireless
13 telecommunications carriers authorized to do business in this state in order to facilitate a request
14 from a law enforcement agency for call location information in accordance with this section.

15 III. When requested by a law enforcement agency, the public safety answering point of the
16 enhanced 911 statewide system shall assist the agency to obtain call location information from
17 wireless telecommunications carriers. Such assistance shall be provided only upon the requesting
18 agency providing information establishing that the call location information is necessary to assist the
19 agency in responding to an emergency situation that involves the risk of death or serious bodily
20 injury.

21 IV. No cause of action shall lie in any court against any wireless telecommunications carrier,
22 its officers, employees, agents, or other specified persons for providing call location information while
23 acting in good faith and in accordance with the provisions of this section. A wireless
24 telecommunications carrier shall not be obligated to make an affirmative determination that the
25 requesting law enforcement agency or public safety answering point has met the threshold
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SB 435 - FINAL VERSION

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1 VI. In this section, "wireless telecommunications carrier" shall have the same meaning as
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3 3 Contingency. If HB 213-FN of the 2010 regular session of the general court becomes law, then
4 RSA 106-H:16 as inserted by this act shall be renumbered to read as 106-H:17.

5 4 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to SB 435

1 Amend RSA 106-H:16 as inserted by section 2 of the bill by replacing it with the following:

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Committee Minutes

SENATE CALENDAR NOTICE

COMMERCE, LABOR AND CONSUMER PROTECTION

- ✓ Senator Margaret Hassan Chairman
- ✓ Senator Betsi DeVries V Chairman
- ✓ Senator Deborah Reynolds
- Senator Jacalyn Cilley
- ✓ Senator Peter Bragdon
- ✓ Senator Sheila Roberge

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 1, 2010

HEARINGS

Monday

3/8/2010

COMMERCE, LABOR AND CONSUMER PROTECTION

LOB 102

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note the hearing time for SB 435 has been switched to 8:30 a.m. from its previously scheduled time of 9:15 a.m. and the hearing time for SB 380 has been switched to 9:15 a.m. from its previously scheduled time of 8:30 a.m.

- 8:30 AM SB435 relative to the provision of caller locations in emergency situations.
- 8:45 AM SB416 relative to the state minimum hourly wage applicable to tipped restaurant employees.
- 9:00 AM SB421 relative to the laws regulating trusts and trust companies in New Hampshire.
- 9:15 AM SB380 relative to the definition of permissible fireworks.
- 9:30 AM SB459 relative to medical payments coverage.

Sponsors:

SB435

Sen. Sharon Carson
Rep. Neal Kurk
Sen. Peter Bragdon

Sen. Jeb Bradley
Rep. Andrew Renzullo

Sen. Robert Letourneau
Rep. Gene Charron

Sen. Matthew Houde
Rep. David Welch

SB416

Sen. Jacalyn Cilley
Sen. Peter Bragdon

Sen. Bette Lasky

Rep. James Craig

Rep. Paul McEachern

SB421

Sen. Lou D'Allesandro

Rep. John Hunt

SB380

Sen. Molly Kelly

Sen. Robert Letourneau

Rep. David Welch

SB459

Sen. Jacalyn Cilley

Rep. Paul McEachern

*Start: 8:37
end: 9:44*

**Commerce, Labor & Consumer Protection Committee
Hearing Report**

To: Members of the Senate
From: Greg Silverman, *Legislative Aide*
Re: Hearing report on **SB435** - relative to the provision of caller location in emergency situations.

Hearing date: March 8th, 2010

Members of the Committee Present: Senator Hassan, District 23; Senator DeVries, District 18; Senator Reynolds, District 2; Senator Roberge, District 9; Senator Bragdon, District 11; Senator Cilley, District 6.

Members of the Committee Absent: None.

Sponsors: Sen. Carson, Dist. 14; Sen. Bradley, Dist. 3; Sen. Letourneau, Dist. 19; Sen. Houde, Dist. 5; Sen. Bragdon, Dist. 11; Rep. Kurk, Hills 7; Rep. Renzullo, Hills 27; Rep. Charron, Rock 7; Rep. Welch, Rock 8

What the bill does: This bill requires wireless telecommunications carriers to disclose caller locations to law enforcement in certain emergency situations.

Who supports this bill: Sen. Carson, Dist. 11; Doug Patch, NH Association of Fire Chiefs; Gene Charron, Rock 7; Rep. Welch, Rock 8.

Who opposes this bill: None.

Summary of testimony received:

Senator Carson, District 14.

- Prime Sponsor.
- This legislation originates from Kansas where Kelsey Smith was abducted and murdered.
 - Law enforcement was able to catch the perpetrator using Kelsey's cell phone to track her location.
- Dept. of Safety, law enforcement, and cell phone companies all agreed upon the proposed language which ensures privacy and the use of this technique only when all prerequisites have been followed.

Fiscal Note: Not applicable.

Action: Senator Reynolds moved the bill Ought to Pass. Senator Bragdon seconded the motion. Senator Bragdon moved Amendment 0845s Ought to Pass. Senator Reynolds seconded. The committee voted 6-0 in favor. Senator DeVries moved the bill as amended Ought to Pass. Senator Reynolds seconded the motion. The committee voted 6-0 in favor. Senator Bragdon will take the bill out.

Date: March 8, 2010
Time: 8:37 a.m.
Room: LOB 102

The Senate Committee on Commerce, Labor and Consumer Protection held a hearing on the following:

SB 435 relative to the provision of caller locations in emergency situations.

Members of Committee present: Senator Hassan
Senator DeVries
Senator Reynolds
Senator Bragdon
Senator Roberge

The Chair, Senator Margaret Wood Hassan, opened the hearing on SB 435 and invited the prime sponsor, Senator Sharon Carson, to introduce the legislation.

Senator Sharon M. Carson, D. 14: Good morning. That's okay. We're friendly around here. Good morning, Madam Chair and members of the Commerce Committee. I would like to personally thank the Chair for accommodating my schedule this morning by moving the public hearing on this bill to an earlier time.

Today, I am bringing forward for your consideration Senate Bill 435, an act relative to the provision of caller locations in emergency situations, also known as the Kelsey Smith Act. The bill requires wireless communications carriers to disclose caller locations to law enforcement in certain emergency situations.

The bill begins with every parent's nightmare. Kelsey Smith, a bright, beautiful, young woman was abducted from a local store. Her body was found four days later. She had been raped and murdered. But, my testimony is not about the crime. The young man who committed this heinous act was caught, tried and is now in prison. It is about what her parents had to go through to get information from their cell phone company.

Kelsey, like today, like most of today's children had a cell phone. When she did not answer her phone or any text messages her parents became very worried. They called their cell phone company to ask for assistance and told, were told that they, the company, was unable to help them. It was only after four days of discussion with the company did they ping her phone. A ping or a cell phone signal occurs when a cell phone is turned on. These pings are then sent to the service provider's nearest cell phone tower. A map of the pings was created and a search area was identified. Her body was then found in less than an hour. And, I've handed out for the Committee a map of the pings in this case.

In 2009, the Kansas State Legislature signed the Kelsey Smith Act into law. I've spoken with the prime sponsor of the bill, Representative Rob Olson, who is working on getting this Act passed in other states. I've worked with the New Hampshire Department of Safety, law enforcement officers and representatives of cell phone companies to draft the legislation you see before you today. And, I believe you all have a copy of the amendment that replaces the bill.

This is the type of legislation that you hope you never have to use, but it is a very useful tool for our law enforcement agencies to use in time of an emergency. You might ask, why is this law necessary? Don't cell phone companies provide this information to law enforcement anyway? Cell phone providers, by most part, are regulated by the FCC. The only provision for releasing information to law enforcement under those laws is that a company may provide information when requested. This bill makes providing the information mandatory, but only in the State of New Hampshire. This bill sets into law when a request is made the notion who can make the request, under what circumstances and will be activated through New Hampshire statewide enhanced 9-1-1 system.

Thank you, Madam Chair and I will happy to answer any questions.

Please see Attachment #1, Senator Sharon Carson's handout.

Senator Margaret Wood Hassan, D. 23: Senator DeVries?

Senator Betsi DeVries, D. 18: Thank you, Madam Chair and thank you Senator for bringing forward the legislation this morning. I note that you have offered, in paragraph five, some, based on the requirements of paragraph four, some, it looks like good faith exemptions or protections for the wireless help communications carriers. And, I am wondering if you intended to include within that if they do not comply at all an exemption?

It seems, the wording and it was just handed out this morning, so excuse me if I haven't interpreted this correctly, but it seems that in paragraph five, you have a required, you are concerned about if an individual other than the chief of a department gets his hands on information would that be correct?

Senator Sharon M. Carson, D. 14: I think in part you are correct. As you can see, one of the co-sponsors of the bill is Representative Neal Kurk and, who works very closely with privacy issues. And, there is concern that this can possibly be misused. And, I think a great analogy could be a wife knows her husband is stepping out on her and she wants to find out where he is, so she calls the local law enforcement and reports him missing and law enforcement starts to do the investigative process. The cell phone companies were concerned that they were going to be held liable for releasing the information because I, from my understanding is you sign privacy statements when you sign up for cell phone service. So, this would provide some measure of protection for the cell phone companies, but I think that in provision four, it is very clear as to who is going to be able to access this information. So, again, it is just providing a level of protection for the cell phone companies.

Senator Betsi DeVries, D. 18: And, if I could follow up.

Senator Margaret Wood Hassan, D. 23: Follow up. Yup.

Senator Betsi DeVries, D. 18: Madam Chair. So, to compel a cell phone company to comply is carried by the language on 22 or the end of the 22 says while acting in good faith, and in accordance with the provisions of this section, that along with section one, is what will compel a cell phone company to comply?

Senator Sharon M. Carson, D. 14: Yes, Senator.

Senator Betsi DeVries, D. 18: I just was concerned that you were also giving them an exemption should they choose not to comply with the Act.

Senator Sharon M. Carson, D. 14: No. There is no language in here, from what I have been able to read and even to interpret, that they will not be able to comply. The problem is they were concerned about who was going to be making the request and that it was going to be made in good faith. And so, they wanted to make sure that they were not going to be held legally responsible when they replied, that they have responded in good faith. They are depending upon sections one, two and three have been followed in the law when they, when they comply with the request.

Senator Betsi DeVries, D. 18: Okay.

Senator Sharon M. Carson, D. 14: So, that's why the good faith language is in there.

Senator Betsi DeVries, D. 18: Thank you so much.

Senator Margaret Wood Hassan, D. 23: Any other questions? I just, I had one. I believe coming over from the House is a bill that Representative Levesque is bringing forward concerning enhanced 9-1-1 and cell phones. And, I just didn't know if you had had any opportunity to review her bill or talk with her about the way these two might work together.

Senator Sharon M. Carson, D. 14: No, I haven't.

Senator Margaret Wood Hassan, D. 23: Okay. I think we'll just be alert for that as the two, two bills move forward, I think.

Senator Sharon M. Carson, D. 14: Okay.

Senator Margaret Wood Hassan, D. 23: Any further questions for Senator Carson? Seeing none, thank you very much for your testimony.

Senator Sharon M. Carson, D. 14: Thank you, Madam Chair.

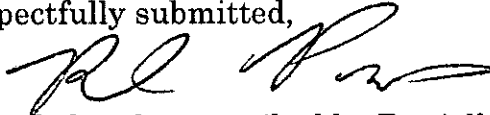
Senator Margaret Wood Hassan, D. 23: I notice Representative Welch is here and Representative Charron. Did either of you want to speak?

Representative David Welch: We're fine.

Senator Margaret Wood Hassan, D. 23: You're fine. Okay. Thank you. And, Doug Patch is signed in on behalf of the New Hampshire Association of Fire Chiefs in support, but Doug, you didn't want to speak? Was there anybody else who wanted to speak on Senate Bill 435? Okay. I'll close the hearing on Senate Bill 435.

Hearing closed at 8:44 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Parsons", written in a cursive style.

Recorded and transcribed by Danielle Barker, Senate Committee Secretary
Proofed by Richard Parsons, Senate Committee Secretary

4/23/10

1 Attachment

Good morning madame chair and members of the Commerce Committee. I would like to personally thank the chair for accommodating my schedule by moving the public hearing on this bill to an earlier time.

Today, I am bringing forward for your consideration, SB 435, an act relative to the provision of caller locations in emergency situations, also known as the Kelsey Smith Act. The bill requires wireless communications carriers to disclose caller locations to law enforcement in certain emergency situations.

This bill begins with every parents nightmare. Kelsey Smith, a bright, beautiful young woman was abducted from a local store. Her body was found 4 days later. She had been raped and murdered. But my testimony is not about the crime. The young man who committed this heinous act was caught, tried and is now in prison. It is about what her parents had to go through to get information from their cell phone company.

Kelsey, like most of today's children, had a cell phone. When she did not answer her phone or any text messages, her parents became very worried. They called their cell phone company to ask for assistance and were told that they, the company was unable to help them. It was only after 4 days of discussion with the company, did they "ping" her phone. A ping, or a cell phone signal, occur when a cell phone is turned on. These pings are then sent to the service provider's nearest cell phone tower. A map of the pings was created and a search area was identified. Her body was found in less than an hour.

In 2009, the Kansas State legislature signed the Kelsey Smith Act into law. I have spoken to the prime sponsor of the bill, Representative Rob Olson, who is working on getting this Act passed in other states. I have worked with the NH Department of Safety, law enforcement officers and representatives of cell phone companies to draft the legislation you see before you today. This is the type of legislation that you hope you never have to use, but it is a very useful tool for our law enforcement agencies to use in times of an emergency.

You might ask, why is this law necessary? Don't cell phone providers have to provide this information to law enforcement anyway? Cell phone providers, by the most part, are regulated by the FCC. The only provision for releasing information to law enforcement under those laws is that a company may provide the information when requested. This bill makes providing the information mandatory, but only in the State of New Hampshire.

This bill sets out into law when a request is made, who can make the request, under what circumstances and will be activated through New Hampshire's statewide enhanced 911 system.

Thank you very much Madame chair and I will be happy to answer any questions.

Speakers

Testimony

Prepared Testimony of Missey Smith
Mother of Kelsey Smith
for the
Kansas Senate Utilities Committee
House Bill 2126
March 12, 2009



In Memory of Kelsey

Mr. Chairman and members of the subcommittee, I want to thank you for letting me speak today and for considering such an important piece of legislation. My name is Missey Smith. I am the mother of Kelsey. She is the young lady that was taken from a Target store in Overland Park, Kansas on June 2, 2007. Kelsey's body was recovered four days later on June 6, 2007. What does a parent go through when a child is missing? You don't eat because you don't know if your child is eating. You don't sleep, because you wonder if they are sleeping. It is pure hell. What took so long to find Kelsey? ONE word, Verizon.

When our daughter Lindsey called me, I was on my way home from a wedding in Des Moines. She let me know that Kelsey was not answering her phone or text messages, I knew immediately that something was wrong. My husband and Kelsey's siblings and John, her boyfriend, continued to try and reach her as did I for the last hour of my trip. Sometime that night after arriving home, John, explained that his uncle used to work for Sprint and had explained that our cell phone company could "ping" Kelsey's phone so we could locate her. It seemed simple enough. Little did we know? I called our provider, Verizon, I explained that my daughter was missing and I needed help to locate her. They told me that they were unable to do that. They explained that I could get on-line and check her cell phone activity. We had contacted police and I believe had located her car. I know some time that night Greg also contacted them and was told the same thing.

In July of 2007 we had a meeting with Verizon officials regarding what had occurred in Kelsey's case. During that meeting one of the lawyers basically said to us that we used incorrect terminology when requesting their help. WE had used the word "ping". Apparently they didn't understand that. I told them to go back and check their protocol and figure out where they had failed Kelsey and us as a family. I said that I would follow up regarding this. After several months of not hearing anything, I called Nancy Bates an administrative assistant. I explained why I was calling. She had the unfortunate job of calling me back to say the lawyers found their protocol to be "adequate". If their actions were adequate, I would hate to see what inadequate is. I can tell you this; if Verizon had acted in a more responsive manner we probably would not be here today asking for this legislation. In no way do we hold them responsible for Kelsey's death. I fully understand that no company can be perfect. I understand that employees are human and that

mistakes will be made. That is just part of being human. I do think that this legislation WILL reduce those errors.

I am going to read a letter from Danny Strigl, the President and Chief Executive Officer of Verizon dated October 2006. It was included in the Verizon Wireless Code of Conduct which would have been the protocol in place at the time of Kelsey's murder.

(Attachment 1)

Unfortunately, Verizon did not and does not act "in the spirit of doing the right thing." In September of 2007, Tanya Rider, of Washington State had been missing for eight days, was found alive at the bottom of a ravine in her wrecked vehicle. Verizon, her carrier according to her husband on Larry King, was not helpful in locating her. Sheriff Rahr of the King County Sheriff's office stated that there has to be a more timely way to get cell phone records in a missing person's case. She believed that Mrs. Rider could have been found 3 ½ days sooner. (Attachment 2)

In November of 2007, Daphny Velder, from Independence, MO went missing. Her family went through some of the same agony of searching and not knowing the fate of their daughter as we did with Kelsey. They also ran into road blocks with their cell phone company Verizon. Verizon would not help her family until Kelsey's name was used. Fortunately, she came home after seeing her mother on TV with me.

In August of 2008, a woman was shot and killed by her son. She had dialed 911 from her Verizon cell phone. She was in Vermont and unable to state her address, her phone could be traced to the tower the call was received at, in New York. There was a delay in getting the "proper form faxed". (Attachment 3)

Verizon is not the only company in Kansas that this type of situation occurs with. We have gotten to know the Sanderholm family of Ark City, Kansas. Their daughter Jodi went missing and was found murdered four days later. They had a two day delay in getting the records of Jodi's cell phone. A subpoena had to be issued. Their provider was US Cellular. I recently met Lori Dennis, the mother of Renee Dennis, of Coffeyville, Kansas who was murdered on March 2, 2007. Renee wasn't found for 13 days. This is another case with cell phone issues. This time the provider was Cellular One. Three different cases, three different providers. This is an industry problem.

In the United States, there are over 250 million wireless customers and in the first half of 2007 one out of every eight American homes had wireless phones only. In Kansas the number of homes with wireless only is almost 17%. Instant messages outnumbered emails and are becoming the principal means of communication for young people. All of them are potential victims that could be helped from this legislation.

I truly believe that this legislation WILL save a life. It WILL save money. How much money was spent those three extra days looking for Kelsey? How many man hours? How many young people and volunteers were invested in bringing her home? All the while Verizon had the ability to let us know where she was. After they FINALLY did the right thing, Kelsey was found in 45 minutes.

In Verizon's Code of Conduct, on page 34, they list their core values. The last one is this:

"ACCOUNTABILITY

We take responsibility for our actions as individuals, as team members, and as an organization. We work together, support one another and never let the customer – or our coworkers –down.

Great companies are judged by what they do, not by what they say. To be the best, we're going to keep pushing ourselves in new and exciting directions. These values will guide our every action. "

It is time for cell phone companies to "man up" and do the right thing. In 2007, there were 4176 young people ages 17-24, murdered in the United States. How many of those victims had a cell phone? I personally knew one of them.

A Message to all Employees

October 2008

Fellow Employees,

Our Code of Conduct is a guide to help us act responsibly, ethically and lawfully.

Integrity is the foundation of lasting business success. For Verizon Wireless to continue to win in the competitive marketplace, our brand, in addition to reliability, must stand for integrity, trust and the highest ethical standards.

To sharpen our focus, the Code of Conduct has been updated. It is now simpler and easier to read, but the expectations are the same - that we conduct all our business activities with the highest standards of integrity.

I urge you to review this document thoroughly. When necessary, you should discuss concerns with your supervisor, your Human Resources Representative, the Office of Integrity & Compliance, or the Legal Department.

As I have said before, integrity goes beyond laws and policies to also include the spirit of doing the right thing - for our customers, our shareholders, our communities and each other - in every business action that we take. Integrity also means that every employee has the right, indeed the obligation, to constructively dissent and to voice his or her concerns.

I expect our employees to do the right thing and to set the highest standards possible for our industry and ourselves, just as we have for all the other ways we measure our performance.

Sincerely,

Denny Strigl
President and Chief Executive Officer

Our Commitment:
Customers First

Our Core Values:

- Integrity
- Respect
- Quality & Innovation
- Personal & Team Commitment

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King County Sheriff's

Leadership, Integrity, Service, Teamwork

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Statement on Rider Case

views Oct. 3, 2007

and

Media

Sheriff Rahr Issues Statement Regarding Tanya Rider Case

"I have some positive news to report in the aftermath of Tanya Rider's horrific accident. Certainly the first and most important is that she was found and is recovering.

Second, this case has prompted the Sheriff's Office to review with a critical eye how we handle missing persons cases in general and this case in particular. We have begun looking at our process from start to finish. Equally important, it has given us an opportunity to engage the public so they are more aware of the hurdles we have when investigating these cases.

Yes, we do have a screening process when someone calls 9-1-1 to report someone missing. In fact all 9-1-1 calls must be screened and prioritized to one extent or another. The reason behind our screening policy for missing person cases is threefold: (1) to expedite an investigation when foul play is suspected or a person is otherwise at risk; (2) to protect the privacy of the person believed to be missing; (3) and to best utilize the very limited resources of the Sheriff's Office. We cannot afford to misdirect resources if the person is "missing" of their own accord, or not really missing at all.

I have reviewed the policies we have in place for initiating a missing person case. I believe those policies are appropriate, and generally mirror the policies of other police agencies. We will be handing out a copy of that policy today.

Secondly, I believe these policies were followed by our Call Receivers when Tom Rider called 9-1-1. I will qualify that by saying the decision to take the report is a subjective one, by necessity, since each situation is different. That means different people might come to a different conclusion.

In this situation, I've spoken with Call Receivers on both sides of the fence - some say we should have taken the report a day earlier, others say it was handled appropriately.

However I am only asking for this change for missing person cases. I believe criminal investigations where cell phone records are needed should still have a search warrant for accessing those records.

I am asking Tom Rider to work with me toward this legislative change. State Representative Al O'Brien, a former police officer, has already stepped forward and pledged to help us. Representative O'Brien has previously been an advocate for missing persons legislation. (SB 5191)

Again, my thanks to Tom Rider for understanding the limitations the Sheriff's Office had when investigating the disappearance of his wife. My heart goes out to Tom and his wife for what they have endured so far, and I send my best wishes to Tanya from the entire Sheriff's Office for a speedy recovery."

Updated: May 29, 2008

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Technology, bureaucracy delayed Vt. 911 response Associated Press

By Wilson Ring, Associated Press Writer | August 8, 2008

MONTPELIER, Vt. —A 911 dispatcher trying to find a Vermont woman being beaten to death was slowed by technical problems and a bureaucratic roadblock at Verizon Wireless, delaying emergency responders' ability to reach the victim, a county official in New York said Friday.

The dispatcher was placed on hold for two minutes and then got a busy signal when trying to fax a form that would allow Verizon Wireless to release the billing address of the victim's cell phone, said Bill Cook, the director of Public Safety for Washington County.

It was 30 minutes between the time a screaming Francine Morgan made a 911 call from her home in Wells, Vt., just before 4 a.m. Aug. 2 that was answered across the state line in New York and the Vermont State Police in Rutland could be sent to her home where she was found dead.

"This was in 24 years of being in this business, the worst call I've ever had to review," said Cook.

It's unclear if without the delay, troopers could have saved the life of Morgan. Her 14-year-old son Christian Taylor has pleaded not guilty to a second degree murder charge in the death of his mother.

During the call, operators heard Morgan screaming and noises consistent with an object striking another object. After a time Morgan's voice stopped.

The issue was further complicated because the Washington County 911 system didn't have computerized maps of Vermont that would have displayed the location of Morgan's call. Instead, the computer displayed the location of the cell tower that picked up the call, officials said.

The tower was located in Granville, N.Y., several miles from Morgan's home in Wells. Before the location of the call was identified, Washington County officials had to get the billing address of Morgan's account.

Cook said the Verizon Wireless official who answered the phone in New Jersey wouldn't release the billing address without a faxed verification form. The form was then faxed to Washington County and when officials tried to send it back they were further delayed by a busy signal.

Verizon Wireless spokesman John O'Malley said the operators at the company's center needed to verify that the request for billing information was legitimate. The fax system has been in place for five years and there has never been a problem.

"When our analyst offered to fax the form, (the Washington County operator) didn't say this is really time critical. Had he done that our analyst would have done a callback verification," O'Malley said.

O'Malley said Morgan had a new phone that did transmit the location of the 911 call, but because Washington County didn't have the proper mapping software it didn't do any good.

But Cook said that wasn't true. He said his office had a recording of the conversation in which his operator made clear there was an assault in progress and time was critical.

"They are just trying to pass that off on somebody else," Cook said.

After Morgan's first call was received, a second Washington County operator called back the number, and listened to Morgan's message, which only gave her first name. The center sent Granville police to knock on

http://www.boston.com/news/local/vermont/articles/2008/08/08/911_problems_delayed_h... 9/28/2008

doors looking for someone named Francine.

Apart from the delays in getting Verizon Wireless to release the caller's billing address and software issues, experts say the case highlights the limitations of using cell phones to call 911, especially in border areas where calls from one state can be answered in another state or, in some cases, another country.

It's routine for 911 operators to receive calls from outside their jurisdiction. When that happens operators can pass the call to the appropriate location, said David Serra, the executive director of Vermont Enhanced 911 Board.

What was unusual in the Wells case was Morgan couldn't communicate.

"It was very good work on their part," Serra said of the people who dealt with the call in New York. "Instead of hitting the 800 number and sending this call that nobody is on the other end of and that there's no location information for to Vermont 911, they sought to find who it was so they called Verizon Wireless."

Since Morgan's call, Cook said his office was working with Serra's office to load computerized maps of Vermont into the Washington County system.

"We don't typically share that data, but we are going to start doing that," Cook said. "We have been working with Vermont officials. We are going to do some test calls next." □

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Voting Sheets

Senate Commerce, Labor & Consumer Protection Committee EXECUTIVE SESSION

Bill # SB 435

Hearing date: 3/8/10

Executive session date: 3/8/10

Motion of: OTP

VOTE: _____

<u>Made by</u>	Hassan <input type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>
	Reynolds <input checked="" type="checkbox"/>		Reynolds <input type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input checked="" type="checkbox"/>		Bragdon <input type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

Motion of: OTP/A

VOTE: 6-0

<u>Made by</u>	Hassan <input type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input checked="" type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input checked="" type="checkbox"/>
	Reynolds <input type="checkbox"/>		Reynolds <input checked="" type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>		Bragdon <input checked="" type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hassan, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator DeVries, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: 0845s

Bragdon Reynolds

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 9, 2010

THE COMMITTEE ON Commerce, Labor and Consumer Protection
to which was referred Senate Bill 435

AN ACT relative to the provision of caller locations in emergency situations.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 6-0

AMENDMENT # 0927s

Senator Peter E. Bragdon
For the Committee

Danielle Barker 271-3093

New Hampshire General Court - Bill Status System

Docket of SB435

Docket Abbreviations

Bill Title: relative to the provision of caller locations in emergency situations.*Official Docket of SB435:*

Date	Body	Description
01/06/2010	S	Introduced and Referred to Commerce, Labor and Consumer Protection; SJ 1 , Pg.15
02/24/2010	S	Hearing: ===TIME CHANGE=== March 8, 2010, Room 102, LOB, 8:30 a.m.; SC10
03/09/2010	S	Committee Report: Ought to Pass with Amendment 0927s, 3/17/10; SC11
03/17/2010	S	Committee Amendment 0927s, AA, VV; SJ 10 , Pg.161
03/17/2010	S	Ought to Pass with Amendment 0927s, MA, VV; OT3rdg; SJ 10 , Pg.161
03/17/2010	S	Passed by Third Reading Resolution; SJ 10 , Pg.169
03/24/2010	H	Introduced and Referred to Criminal Justice and Public Safety; HJ 30 , PG.1494
03/24/2010	H	Public Hearing: 3/30/2010 11:30 AM LOB 204
03/31/2010	H	Subcommittee Work Session: 4/13/2010 9:00 AM LOB 204 Members: Reps Chandley,Ch., Charron & Robertson
04/22/2010	H	Subcommittee Work Session: 5/4/2010 9:30 AM LOB 204
04/26/2010	H	Executive Session: 5/4/2010 11:00 AM LOB 204
05/04/2010	H	Committee Report: Ought to Pass with Amendment #1327h for May 12 (Vote 15-0; CC); HJ37 , PG.1734-1735
05/04/2010	H	Proposed Committee Amendment #1327h; HJ 37 , PG.1769
05/12/2010	H	Removed from Consent Calendar (Rep Kurk); HJ 41 , PG.1952
05/12/2010	H	Special Order to Next Session Day, Without Objection; HJ 41 , PG.2097
05/13/2010	H	Amendment #1327h Failed, VV; HJ 42 , PG.2147-2148
05/13/2010	H	Floor Amendment #2019h (Rep Kurk) Adopted, VV; HJ 42 , PG.2148
05/13/2010	H	Ought to Pass with Amendment #2019h: MA VV; HJ 42 , PG.2147-2148
05/19/2010	S	Sen. Hassan Concurs with House Amendment 2019h, MA, VV
06/02/2010	S	Enrolled Bill Amendment #2360 Adopted
06/02/2010	H	Enrolled Bill Amendment #2360 Adopted
06/02/2010	H	Enrolled
06/02/2010	S	Enrolled

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COMMITTEE REPORT FILE INVENTORY

SB435 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 845s _____ - AMENDMENT # _____
 - AMENDMENT # 927s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: 2

EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/9/10


COMMITTEE SECRETARY