**Managing a Law Enforcement Support Office
within a Telecommunications Company**

or

How to fight the alligators <u>and</u> drain the swamp

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Introduction

The purpose of a Law Enforcement Support office (LES) is to provide accurate customer and network information to legally entitled bodies quickly. It sounds like a simple task, but **putting in the relevant processes and developing automated systems can be like trying to drain a swamp whilst fighting the alligators!**

This paper has been prepared to assist those managers who are new to a Law Enforcement Office so that they can adjust to the new paradigm in which they find themselves. It starts with an honest reflection of my experience of working for such a unit within a global telecommunications provider before concluding with a short summary of the options which are available to you should you wish to automate your disclosure service.

Law Enforcement Support - The Reality

Law Enforcement Support (LES) is an unusual business function and is often misunderstood by senior management. The demands and dynamics of the unit are completely different from a commercial operation. No other department in a Telecommunications Company works in such a highly pressurised environment. It is an environment in which every action may be critically examined in Court and where a response can make the difference between life and death.

When the performance of the LES is discussed at Board Level it is often because of an impending public relations disaster.

The fact is that the number, and complexity, of requests from Law Enforcement Agencies will continue to increase. How then can telephone companies be expected to manage this volume of work without incurring a significant cost? Before we answer that, let's look at the role of the Law Enforcement Support Office to understand what is involved.

Law Enforcement Support (LES) serves a range of distinct customers and needs. In describing the role of LES it is useful to break the function down into its component parts:

- **Provision of information to Intelligence and Security Services**. These organisations are normally very discrete and maintain long term relationships.
- **Public safety - police, fire, ambulance, coast guard, mountain rescue**. An immediate and round-the-clock service is essential. Speed, accuracy and audit functionality is vital.
- **Criminal Investigation.** Everything can be and will be used in court. High profile incidents where Police become extremely proactive can affect workloads.
- **Courts and the judicial process.** Data must be provided within the stipulated Court timeframes irrespective of how long it might take an LES to access the archived data.

In order to provide customer and network information to these bodies accurately and efficiently, two elements need to be mastered:

1. Relationship Management or behaviours and
2. Information Management or process engineering.

Law Enforcement - understanding the nature of the beast

Working with the Police is not discretionary. A Force cannot chose to get a customer's billing information from another mobile telephone company. The relationship you have could be described as similar to the one which your Regulatory Affairs Department might have with other networks.

Both a strategic, long term perspective is required, coupled with the ability to respond immediately to requests. This can be both demanding and challenging.

One solution is to meet regularly with your Director of Intelligence counterpart. Whilst this can be time consuming, if you can focus on common ground, much can be achieved. There are a number of advantages to establishing a single point of contact between both organisations:

- visibility of requests and the ability to track them
- knowledgeable customers, capable of prioritising requests.

It is much better if this arrangement can be formalised through either an agreement or a Memorandum of Understanding. You may have to negotiate a number of concerns along the way, such as the resourcing of a single point of contact. However, this argument is easily outweighed by the amount of duplication and time wasted in using multiple contact points.

The art of negotiation will be smoother if you can divide the responsibilities of policy creation and policy management within your organisation. In this case, the Legal Department should advise the Regulatory Affairs Department, which sets the policy, and the LES should manage that policy, which should be located within the Fraud or Security Department. This gives the LES an overview of both the technical and commercial aspects of the industry and access to legal expertise.

So, what type of relationship and culture are you going to encounter?

The Police deal with crime which is generally caused by bad housing, poor education and low job prospects. Officers also have to manage the mentally ill, the suicidal, victims and their relatives as well as respond to domestic violence and accidents. They have no control over what they will face on a day-to-day basis.

In addition, Leadership has the unenviable task of managing:

- an inflexible organisational structure
- working practices which are constrained by law, policies, unions and funding, and
- constantly changing political priorities.

With that in mind, any discussion should be based on the assumption that the Police Force has a strong sense of duty and community service and is driven by meeting top-down targets.   A number of approaches can be used to develop a long term relationship in light of this culture:

- be clear about the problem you are being asked to help solve, as opposed to the symptom, and who owns the problem to avoid transference
- clarify who is responsible for completing each task to engender a true partnership approach
- stick to your agreed arrangements and processes, otherwise exceptions will become the rule
- articulate exactly what you mean and be specific about your level of commitment to avoid disappointment

- be consistent in what you do and say to create trust.

But this is only the tip of the iceberg.

The Police are overworked and meet any new situation by creating a form. A significant part of Policing is recording and processing information in response to defined procedures. However, even within the same legal structure, different Forces and Courts operate in different ways, adding to the complexity of responding to requests.

The best way to negotiate this complexity is to set out your processes, in other words how you want the Police to engage with you, and highlight the benefits of working in this way. Automating your processes, although key to achieving your objectives, will initially be an anathema. If your arguments are sound, you will soon be able to demonstrate a win-win situation.

The second element which needs to be mastered is effectiveness and efficiency in the processing of information.

Information Management - the raison d'être of an LES

The LES's objectives, in order of priority, are:
- to save lives, when necessary
- to protect your organisation (customers, staff and shareholders)
- to assist the Police in achieving its objectives.

One of difficulties is the variety of formats in which requests and Court Orders are received. Matters are often made worse by the vagueness of requests. Both make it harder to respond quickly and efficiently.

The challenge is to change behaviour and habit. Such a change will need to be gradual and incremental and may span a number of years. The end game is to automate as much as possible in order to provide data within minutes, not weeks.

This is achieved using the S**even Pillars of Disclosure**:

1. **Legal Framework**. The number of legislations that requires, or enables you, to release data can be numerous. It is important to understand exactly what data can be released under a specific item of law. The advice and guidance of your legal

department should be sought. Codifying this into an automated system requires careful analysis in order to get the structures correct.

2. **Security.** Keeping the process secure is essential. The balance is speed over security. If the security processes are too rigid then someone might die, but if the process is too difficult, the Officers will look for an easier way to get the information.

3. **Validation of the Requestor**. It is vital that the person invoking a law is entitled to do so. There is a significant market for personal data.

4. **Audit**. A robust and auditable system is critical to defend the reputation of the company if its actions are called into question.

5. **Inter-operability**. Any system will need to link to multiple systems, including legacy procedures and law enforcement practices, all of which are likely to change over time.

6. **Speed.** In a life threatening situation, seconds make a difference. Realistically this can only be achieved with automation.

7. **Communication.** A range of statistics, management reports and billing information can be interrogated to enhance workflow and efficiency.

But what does that mean in practice? Put simply, the LES process can be broken down into seven stages.

1. Receipt and log a request.
2. Validate the requestor and the requests.
3. Extract the data from company systems.
4. Format the data into an understandable document and store a "gold" copy.
5. Dispatch to the correct requestor.
6. Invoice.
7. Answer queries on all of the above steps.

Receipt and log request: This has to be completed consistently so that a negative can be proved – that the Court Order was not received. It is only when the warrants have been processed inwards that workloads can be assessed and prioritised. Ideally, the request should be received electronically.

The key element is how the request is structured so that it can be loaded into a database for subsequent processing. This can be achieved in two ways, either by using a predetermined request structure or through a parsing tool which can extract the relevant details. Establishing this component requires a pivotal change to the way a Police Force operates.

Validate the requestor: The advent of online and Virtual Private Networks has made validation quicker, easier and more secure with regularly changing username and password information. The requestor is validated during the first application process to confirm the type of legislation that the requester can invoke which determines the type of data that can be released.

Extract the data from company systems: An incremental approach should be adopted with internal support being provided from different system administrators.

Format the data into an understandable document and store a "gold" copy: The Police normally have three requirements:

- a fixed copy, such as a pdf and/or
- a digital copy that can be loaded into other systems
- an evidence copy.

There are arguments for, and against, the retention of a "gold" copy by the LES as well. On the one hand, the data should be retained by the Police, but they could ask for it again later. On the other hand, the storage of gold copies is a minimal overhead and allows greater integrity should the LES need to give evidence in court.

Dispatch to the correct requestor: The dispatch of the response is more secure if the requestor has been validated and the data issued to a confirmed address. An online system allows the requestor to download a response numerous times with no resource implication for the LES.

Invoice: The cost and resource of maintaining records, invoicing and managing subsequent queries often precludes companies from recovering the costs of handling data requests. One of the advantages of having a single point of contact is the fast approval of cost recovery charges by authorised personnel in the Force.

Answer queries: An automated system makes this much more dynamic and immediate.

Now, let's turn our attention to another asset within the Law Enforcement Support Office – its staff.

The most important wheel in the cog

The selection of staff for the LES office is an important decision. The nature of the role requires a high degree of maturity and discretion. Staff will be privy to information relating to major incidents, sometimes distressing, that should remain outside of the public domain. They will need the ability to negotiate seemingly impossible situations such as two Judges both demanding that something be done immediately or two Senior Police Officers insisting that their operational requirements take precedent.

The ability to work accurately and consistently is important. The data that is released is used to underpin decisions in life critical situations for Police operations that can cost millions of dollars and Court cases where justice and liberty are at stake. There is not a single stage in the customer lifecycle, or aspect of service delivery, that is not covered. Staff have to be knowledgeable in all of these stages.

Staff may have to be taught how to give evidence in court and the temptation is to employ former law enforcement officers with court experience. It is arguably better to employ civilian staff who can be trained in court presentation skills by an experienced lawyer, or barrister, because the company is merely there to give impartial evidence.

Preferably staff should be recruited internally where the candidate's character and reputation is known. In most companies, the response to a surge in workload is to employ temporary contract staff. This should be resisted, where possible, in the LES function.

One of the dangers in the LES function is the potential for staff to turn "native." The isolation of the LES staff from mainstream company activities and their daily contact with police can result in a transfer of allegiance away from the company which pays their salaries. Managers should be aware of this and adopt suitable strategies, for instance, the rotation of staff.

Finally, stress caused by excessive workloads can be a serious problem in this environment. It is incumbent upon a company to provide its staff with the tools to do their job and manage their well being.

Having explored what it is like to work in a Law Enforcement Support Office, the role of the unit and the type of skills and qualities staff need to bring to the table, we can now return to our earlier question. How can telephone companies manage an increasing volume of work without incurring significant IT development costs?

Implementing a disclosure system – the options

There are often two challenges to overcome.

The first is that there are usually more project proposals than there is available budget which makes a disclosure system potentially last on the list.

Then there is the complexity of its design. Usually, when a process is automated, it is changed to meet the computer's logic. Police systems have to deal with the real world.

But once these have been overcome and the brief has been prepared, what are the available options?

Self build solution

This will inspire initial enthusiasm with the Information Technology Department because the LES function will be perceived as an unusual and challenging concept. However, a lack of forensic knowledge and, an inevitable optimism about just how much can be achieved will result in the usual 20/20/60 rule.

It will be 20% over budget, 20% late and deliver only 60% of the specified functionality.

If the project does run late, once the minimum functionality has been delivered, resources will be redeployed elsewhere. Future software changes will be difficult to implement under this scenario.

Typical costs for an in house development over 2 years are between $2 and 4million.

External, bespoke solution

The resources challenge is replaced by a funding challenge. Future developments also become a funding debate and the same 20/60/60 rule is likely to apply.

An "off the shelf" solution

80% of your requirements will be delivered now rather than 60% delivered in 2 years time. In 2 years time your requirements will have changed anyway.

A tested and proven system that can integrate easily with backend systems is a low risk option. The purchase and installation will be in the region of 2 months or $250,000. In most cases a return on investment will be achieved within 3 months.

Conclusion

Automation of a disclosure service brings with it the need to work around the behaviours and culture of both law enforcement and telecommunications companies and manage the complexities of the 'real world.'

Focus has translated this complexity into its seven pillars model of disclosure and designed a system which is easy to install and can change as your business needs alter.

Why not get in touch to find out more.
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