

Annoying Calls

Annoying or Obscene Telephone Calls

Massachusetts General Law Ch. 269 Sec. 14a

Annoying, harassing, hang-up, or obscene telephone calls are becoming more and more commonplace today even with advanced technology in communications, such as CallerID and dialing *69. Today, we're able to trace a phone call back to the caller by pressing a couple of buttons on your telephone. This is an excellent tool for the homeowner and law enforcement to identify the caller.

These types of calls are evident in bad relationships, the breakup of a relationship, a disgruntled employee, unhappy customer, a neighbor and the like. The caller has a sole purpose to annoy or harass. There is a solution and these types of calls can be stopped.

In **Massachusetts**, MA General Law c. 269 s. 14A is the chapter and section that one can be charged with for annoying or obscene telephone calls. There are 3 elements to the law that must be met. The person repeatedly made telephone calls or caused telephone calls to be made (at least 3 calls), to the victim or the victim's family and the person's language was indecent or obscene, or the person's sole purpose was to harass or molest the victim or the victim's family. Penalty: Misdemeanor.

SOME INITIAL STEPS TO TAKE

Before contacting the phone company, to put a trace on your line, you may want to change your telephone number to an unlisted non-published number. If you have to give out your new unlisted number, give it to people you know. This can be an inconvenience but it's one of the first steps to see if the calls continue. If the calls continue and you've only told a few people your new number or you've give it to personnel at your place of employment, you're on the right track on narrowing down who may be responsible.

Some people cannot afford to change their phone number and their only action is to trace the calls.

TRACING PHONE CALLS

Bell Atlantic provides the following service that helps put an end to annoying and obscene phone calls by tracing the last incoming call. It provides essential information to authorities if an investigation is required. (There is a fee for tracing phone calls)

When you want to trace a phone call;

1. Hang up then lift the receiver and listen for a dial tone.
2. Press *57 or for rotary phone dial 1157.
3. An announcement will tell you the call was traced and give you further instructions.

You will not receive the number from Bell Atlantic.

The results of a successful trace will only be provided to the police or other legal authorities.

How do I find out who's making the phone calls?

Franklin Police will investigate annoying phone calls within Franklin only. If you're getting these phone calls it is requested that you call the Unlawful Call Bureau, UCB, (formerly the Annoyance Call Bureau) and open up a case. The Unlawful Call Bureau will provide you with further instructions. The phone company will not provide the police with any information until you have opened a case with them, unless it is an extreme emergency.

Next, contact the Franklin Police and speak to a police officer advising that you would like to file a complaint regarding annoying phone calls. After providing the officer with your information, obtain the INCIDENT number. You may need this number for the phone company.

If you have successfully traced 3 or more phone calls you will be notified. When you're notified by the phone company call the Franklin Police, **all annoying phone call cases are investigated by the detective division**, and give the officer the case number provided to you by the UCB. An officer will contact the UCB and they will provide the officer with the information on all calls traced. The information provided will be the telephone number, the address where the call was placed from, and the person's name the phone number is listed to. The UCB will send the investigating police officer a report and the list of numbers traced.

The officer will contact you (victim/reporting party) and tell you the date and time of the call, the address where the call originates from and who the phone number belongs to. If, after hearing the person's name and address, and further investigation is needed, the officer will assist you.

Many times, once a parent or the reporting party hears the name and address, they wish to handle the problem themselves without police involvement. And this may be a better solution depending on the situation.

Once you close a case with the UCB and the calls persist, you must call them again to open up another case.

ADDITIONAL NOTES

No conversation is necessary. It does not matter whether the person had a conversation with the victim, only that the person made the telephone calls OR had them made.

It must be proved that the person's only purpose was to annoy, harass or molest, unless the person used obscene language. If a person makes repeated telephone calls in a short period of time, or in the middle of the night, and hangs up when someone answers the phone, it is reasonable to infer that the calls were made for the purpose of harassment.