



NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., N.E.
WASHINGTON, DC 20002
PHONE 202-547-8189 • FAX 615-202-547-8190

CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

11 February 2019

The Honorable Charles “Pat” Roberts
United States Senate
Washington, D.C. 20510

Dear Senator Roberts,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 273, the “Kelsey Smith Act.” This legislation would amend the Communications Act of 1934 to require telecommunications service providers to release the location, as it relates to a specific user’s cellular device in dire circumstances such as risk of death, serious bodily injury or the user calls for emergency services.

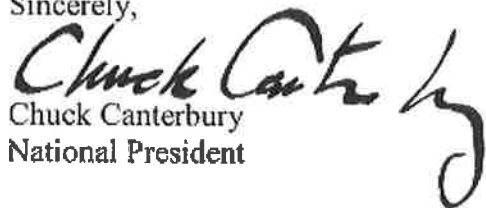
In June 2007, 18-year-old Kelsey Ann Smith was abducted in broad daylight in the parking lot of a Target store. Kelsey’s abduction was captured on the store’s closed-circuit security camera clearly showing she was in imminent danger.

Desperate to find her, Kelsey’s wireless carrier service was contacted numerous times by her family and law enforcement. The carrier was even issued a subpoena by the District Attorney’s office requesting the location of Kelsey’s phone. Despite the obvious grave danger Kelsey was facing, her wireless provider was hesitant to disclose the location information, citing privacy concerns and current law. It took several days for law enforcement to finally retrieve the cell-site information they needed to locate her. Four days after her abduction, law enforcement located Kelsey’s body within 45 minutes after her wireless provider released the “cell-site location” or “ping” information from her cell phone.

It is critical to the public safety that law enforcement have the adequate tools necessary to fight, investigate and solve crimes while ensuring the privacy of all our citizens and upholding our constitutional duty. Any legislation that is adopted must ensure that law enforcement, subject to appropriate judicial oversight and approval, maintain its ability to access and recover digital evidence and address the challenges we face in gathering electronic evidence. If the latter issue goes unaddressed, investigators will miss leads, investigation times will be lengthened, the public will be less safe and victims will be denied justice.

On behalf of the more than 345,000 members of the Fraternal Order of Police, I thank you again for your support and introducing this important legislation. If I can be of any further assistance on this or any other matter, please do not hesitate to contact me or my Executive Director, Jim Pasco, in my Washington office.

Sincerely,

A handwritten signature in black ink that reads "Chuck Canterbury". The signature is written in a cursive, flowing style with a large, prominent "C" at the beginning and a long, sweeping tail that loops back under the name.

Chuck Canterbury
National President