



NATIONAL FRATERNAL ORDER OF POLICE®

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CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

23 May 2016

The Honorable Kevin W. Yoder
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Yoder,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 4889, the “Kelsey Smith Act.” This legislation would amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user’s call 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; therefore, leaving little doubt of the very serious emergency nature of the situation.

In desperate efforts to find her, Kelsey’s wireless carrier service was contacted numerous times by her family, law enforcement, and was even issued a subpoena by the district attorney’s office requesting the location of Kelsey’s phone. Despite the grave danger Kelsey was facing, her wireless provider was hesitant to disclose the location information in the absence of a warrant from law enforcement. It took several days for law enforcement to finally retrieve the cell-site information they needed to locate her. Unfortunately for Kelsey, it was too late.

Tragically, four days after Kelsey Smith was abducted, law enforcement was able to locate her body within 45 minutes after her wireless provider released the “cell-site location” or “ping” information from her cell phone.

Law enforcement must have the tools it needs to fight and investigate crimes while ensuring the privacy of all our citizens. Any legislation that is adopted must ensure that law enforcement, subject to appropriate judicial oversight and approval of course, maintain its ability to access and recover digital evidence and also address the challenges we face in gathering electronic evidence. If this 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.

— BUILDING ON A PROUD TRADITION —

Granting law enforcement with expeditious access to cell-site location information, available through telecommunications devices without having to provide a warrant, is imperative to locate and rescue victims in imminent danger of death or serious physical harm. Since 2009, 22 states have enacted the Kelsey Smith Act and it is now time for Congress to afford the same level of protection to the citizens in all 50 States.

On behalf of the 330,000 members of the Fraternal Order of Police, I want to thank you for introducing this legislation and amendment. If I can be of any further help, please do not hesitate to contact me or 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