



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
Office of the Director
145 N Street NE, Washington, DC 20530

COPS

March 16, 2018

Mr. Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Proceeding Number 15-94

Dear Chairman Pai,

Thank you for the work that you and your staff have done in support of the National Blue Alert Network. Thank you also for this opportunity to support the creation of a separate Wireless Emergency Alerts (WEA) classification for Blue Alerts.

The FCC's recent approval of a dedicated Emergency Alert System (EAS) event code for Blue Alerts represents a significant development in our shared cause of public safety. The new code will promote and streamline the adoption of new Blue Alert plans throughout the nation and will help to integrate existing plans into a coordinated national framework. Most important, this code will facilitate rapid dissemination of information to law enforcement agencies, media, and the public about violent offenders who have killed, seriously injured, or pose an imminent and credible threat to law enforcement.

As you know, the FCC Report and Order amending Part 11 of the Commission's rules regarding Emergency Alert System permits Blue Alerts to be deployed via WEA using the existing "Imminent Threat" classification. This approach was selected by the Commission as a "temporary measure" in order to "reduce the necessary time for Blue Alerts to become available on WEA and to reduce the costs to WEA stakeholders." We thank the Commission for leaving the issue of WEA classification open and "teed up" for further comment and review.

We now further support the creation of a separate WEA classification for Blue Alerts. Use of the Imminent Threat WEA classification for Blue Alerts does indeed reduce the necessary time for Blue Alerts to become available on WEA. This alone, is a significant step forward in leveraging existing alerting infrastructure for immediate use in the protection of law enforcement. A separate WEA classification however, would further enhance the promulgation of succinct guidance and allow for additional safeguards to ensure that Blue Alerts are issued in an effective and consistent manner.



The COPS Office has issued specific voluntary guidelines for the issuance of Blue Alerts. The guidelines are based on the Rafael Ramos and Wenjian Liu Blue Alert Act of 2015. Activation guidelines are intended to achieve maximum public safety results in specific qualifying circumstances where the risk to law enforcement and the public is at its highest. The COPS Office Blue Alert activation guidelines are as follows:

An alerting authority should issue an alert when a request has been made by a law enforcement agency having primary jurisdiction over the incident in question, and one of the following three sets of threshold criteria has been met:

- 1. Death or serious injury of a law enforcement officer in the line of duty.*
 - a. The agency confirms that a law enforcement officer has been*
 - i. killed,*
 - ii. seriously injured,*
 - iii. attacked and with indications of death or serious injury.*
 - b. Any suspect involved has not been apprehended.*
 - c. There is sufficient descriptive information about the suspect, including any relevant vehicle and license tag information.*
- 2. Threat to cause death or serious injury to a law enforcement officer.*
 - a. The requesting agency confirms that the threat is imminent and credible.*
 - b. At the time of receipt of the threat, any suspect involved is wanted by a law enforcement agency.*
 - c. Any suspect involved has not been apprehended.*
 - d. There is sufficient descriptive information about the suspect, including any relevant vehicle and license tag information.*
- 3. Law enforcement officer missing in connection with official duties.*
 - a. The agency concludes that the law enforcement officer is missing in connection with the officer's official duties.*
 - b. There is an indication of serious injury to or death of the law enforcement officer.*
 - c. Any suspect involved has not been apprehended.*
 - d. There is sufficient descriptive information about the suspect, including any relevant vehicle and license tag information.*

We support the creation of a separate Blue Alert WEA classification using the criteria and language above. Doing so would help promote consistency in activation usage, policy making, training, inter-jurisdiction cooperation, etc., and ensure that Blue Alerts are reserved for only the most serious situations involving threats to law enforcement.

The WEA Imminent Threat classification is more of a 'one size fits all' tool whose usage is subject to broader interpretation. A separate WEA classification for Blue Alerts would better enable alerting officials to more precisely represent the specific qualifying elements of Blue

Alerts. It would also make it easier to support consistent training for thousands of disparate law enforcement agencies across the nation.

Inconsistent or improper use of Blue Alerts could lead to public confusion, overuse, and ‘warning fatigue.’ A separate WEA classification for Blue Alerts would minimize the inherently subjective nature of Imminent Threats, and establish explicit criteria for the use of WEA in Blue Alert situations. A separate classification would also allow for threshold criteria pre-scripting in alerting software.

Notably, the City of New York, in its FCC filing dated July 31, 2017, “strongly recommends that the Commission adopt a specific WEA message category for Blue Alerts similar to AMBER Alerts.” The AMBER Alert program currently benefits from a separate WEA classification that includes explicit activation criteria. New York City’s rationale for supporting a separate WEA classification for Blue Alerts was that pre-scripting options for the existing Imminent Threat classification were non-specific and could be overly vague.

Comments filed by others have stressed the importance of training and guarding against inappropriate use and overuse of Blue Alerts. We concur, training can best be accomplished if it is based upon specific Blue Alert activation criteria as proposed above rather than in a generic Imminent Threat fashion based on Common Alerting Protocols.

We thank you and the Commission for the important action already taken in support of our nation’s law enforcement officers and the National Blue Alert Network. We are excited about the prospect of a separate WEA classification and are prepared to assist the FCC in every way we can to make this a reality.

Sincerely,

A handwritten signature in black ink, appearing to read 'Russ' with a stylized flourish at the end.

Russell Washington
Acting Director