BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

**COMMENTS in DOCKET FCC 17-74 (PS DOCKET 15-94)**

**Amendment to Part 11 - EAS BLUE ALERT**

**1. I Do Not Support a New Code**

I do not support the addition of a new alert code to support Blue Alert Plans. As further described below I believe the Law Enforcement Warning (LEW) would serve the purpose of implementing Blue Alert Plans.

**2. The Definition of LEW**

In the NPRM at paragraph 14 it is stated "The COPS Office observes, however, that the LEW event code is used for events such as road closures and notifying drivers of hazardous road conditions and is not an effective means to transmit Blue

Alerts ". I was intrigued how a hazardous road condition rose to the level of an EAS event, especially since these codes have been around for a while.

The National Weather Service maintains a document that describes the non-weather related codes. The URL is http://www.weather.gov/meg/nonwxrelatedemergmesg

The document describes LEW as: "A warning of a bomb explosion, riot, or other criminal event (e.g. a jailbreak). An authorized law enforcement agency may blockade roads, waterways, or facilities, evacuate or deny access to affected areas, and arrest violators or suspicious persons. "

As I suspected at the start of this research, LEW was meant to be a high priority notice of criminal activity that requires law enforcement to take aggressive measures. LEW should not have devolved into road closure notifications absent a criminal action. LEW should not be issued solely because a road happens to be closed.

A comparison to the conditions required to implement the proposed Blue Alert easily concludes that the Blue Alert is a sub-category of LEW. A Blue Alert requires a criminal action to have occurred or a specific threat of imminent action against law enforcement officers with identifying information of the suspect. The purpose of issuing the Blue Alert is to apprehend a fleeing suspect and leverage public support to assist in locating suspected vehicles.

**3. Local Area Emergency (LAE)**

Another option is to consider LAE which is defined as "An emergency message that defines an event that by itself does not pose a significant threat to public safety and/or property. However, the event could escalate, contribute to other more serious events, or disrupt critical public safety services. Instructions, other than public protective actions, may be provided by authorized officials. Examples include: a disruption in water, electric or natural gas service, road closures due to excessive snowfall, or a potential terrorist threat where the public is asked to remain alert. "

The example of a potential terrorist threat and developing situation also parallels the characteristics of the proposed Blue Alert.

**3. The Proposal for a New Blue Code Should be Rejected**

The Commission should use this opportunity to re-establish the meaning of LEW and LAE. The EAS must not devolve into a citizen inconvenience alert system. COPS can easily create gudelines for State Agencies to follow when using the LEW code to issue Blue Alerts.

**4. The Devaluation of LEW Should Serve as a Warning For the Commission**

The cheapening of the LEW proirity into an alert of inconvenience should serve as warning to the Commission that left unattended the EAS will be used in a manner not contemplated by tbe Commission. A possible starting point to establish standards is to define the meaning and use of the codes, in a manner similar to the comprehensive explanation of the CAE code.

**5. Using EAS to Communicate a Blue Alert**

I do agree the Public can be leveraged to identify a fleeing suspect. I envision a situation similar to Belgium or France where a suspect injures a Police Officer and flees. Broadcast and social media outlets will be quick to spread a message, but the use of EAS allows for an immediate and official description of suspectand vehicle tags to be issued.

I believe, and hope, that the need to use EAS for a Blue Alert would be limited, but in this low probability event a prepared action plan to utilize EAS will be helpful to protect our police and law enforcement. The National Coordinator can develop guidelines and procedures to utilize the LEW code to communicate the identifykng information.

**6. The 3 Letter Code**

If the Commission chooses to add this alert to the EAS then similar to the reasoning in Docket 02-64 paragraph 20 (adding the CAE code for AMBER alert) the code for Blue Alert should reinforce the restricted nature and use of this alert. This will also serve to prevent the deprecation of the code into uses it was not intended for. It would be tragic if 5 years into the future the code ws being misused for events not meeting the definition of a Blue Alert as st out in the law.

**7. Conclusion**

I concur that the tragedy in NY could have been averted with better coordination between policing agencies and and incorporaton of threat information into action plans. Blue Alert Plans accomplish this by creating a nationwide process to notify neighboring police departments of imminent threats. The existing EAS event code of LEW (or posibly LAE) were intended for these events, therefore a new event code as proposed is not needed.

Thank You for considering these comments,

Jonathan Appelbaum

Page 2 of 2