



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

COPS

November 16, 2017

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 pending Notice of Proposed Rule Making for the creation of a dedicated Emergency Alert System (EAS) event code for Blue Alerts. Your leadership on this issue is greatly appreciated. We also appreciate the opportunity to offer additional comments for the Commission's consideration.

Blue Alerts provide for 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. The proposed BLU event code would greatly enhance our ability to encourage, enhance, and integrate Blue Alert plans throughout the United States with the goal of saving lives.

We understand that there is interest by some to expand the use of Blue Alerts to cover firefighters and paramedics, and emergency medical technicians. We note that the Rafael Ramos and Wenjian Liu Blue Alert Act of 2015 expressly limits the use of Blue Alerts for situations involving law enforcement officers as defined by Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) which reads:

"Law Enforcement Officer - An individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including but not limited to police, corrections, probation, parole, and judicial officers"

For this reason, Blue Alerts are limited to law enforcement personnel only, as described by statute.

Some have proposed that Blue Alerts be conveyed utilizing existing EAS event codes, such as Law Enforcement Warning (LEW), Local Area Emergency (LAE), and Civil Emergency Message (CEM). Despite the weighty names, these event codes have a long history of being used for informational purposes such as utility disruptions, hazardous road conditions and inclement weather. Consequently, there is likely to be a perceived lack of urgency associated with the use of these event codes.

This can be illustrated by examining Wireless Emergency Alerts (WEA) data from actual EAS alerts between January 2017 and November 2017 as shown in the following table:

Nature of Alerts	LEW	LAE	CEM	TOTAL
Weather Related (<i>high winds, flash flooding, etc.</i>)	1	41	7	49
Miscellaneous (<i>tests, solar eclipse, informational, etc.</i>)	2	21	19	42
Road Hazards (<i>heavy traffic, road closed, road flooded, etc.</i>)	1	15	5	21
Utility Issues (<i>water boil orders, 911 down, gas leak, etc.</i>)	0	13	10	23
Fire Hazards (<i>fire danger high, evacuation order, etc.</i>)	0	2	10	12
Police Activity (<i>wanted fugitive, shooting investigation, etc.</i>)	3	4	0	7
Missing Person (<i>missing children, etc.</i>)	1	5	0	6
Total Number of Alerts	8	101	51	160

During this period, there were 160 alerts issued using event codes LEW, LAE, and CEM. Only four percent (4%) were related to ongoing police activities. Review of this data suggests that these EAS event codes are used in a subjective fashion to address a wide range of topics with varying degrees of urgency.

A dedicated event code would allow for promulgation of specific rules to ensure that Blue Alerts are handled in a specific manner by participating media outlets and wireless carriers. A dedicated code would also allow for easy pre-scripting of on-screen messages which would save time for alert originators. The COPS Office believes that Blue Alerts warrant a dedicated EAS event code. Our position is informed by many law enforcement practitioners in the field who cite the absence of a dedicated code as a key limitation to the use of Blue Alerts.

The benefits that would likely flow from the creation and use of a dedicated EAS event code for Blue Alerts could save lives and make communities safer. Blue Alerts are intended to hasten the capture of extremely violent offenders who have demonstrated a proven propensity for violence against those who are charged with protecting society. These offenders pose a unique and imminent threat to law enforcement officers and members of the public. The longer that an offender is at large, the more opportunity they will have to kill or seriously injure another officer or innocent person.

Time is of the essence in these cases and minutes could make the difference between life and death for an unsuspecting officer. Blue Alerts would increase the possibility that an offender would be spotted as quickly as possible by law enforcement or a member of the public. In addition, Blue Alerts would allow persons in an affected area to be on heightened alert and to take practical safety precautions. It is entirely foreseeable that Blue Alerts could save the lives of many officers and perhaps members of the public by shortening the time that offenders are able to remain at large.

The COPS Office is investigating various training and technical assistance options to assist law enforcement agencies and other stakeholders in ensuring that Blue Alerts are issued in a consistent manner across jurisdictions. We believe that the training models for AMBER Alerts

provide a proven path to national coordination between law enforcement, broadcasters, wireless carriers, and other stakeholders.

We thank you and the FCC for your leadership on this issue of national importance and strongly support the creation of a dedicated EAS event code for Blue Alerts.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell", followed by a large, sweeping, horizontal oval flourish.

Russell Washington
Acting Director