



The Washington Report

The Newsletter of the National Association of Police Organizations
Representing America's Finest

October 20, 2014

NAPO WASHINGTON REPORT

NAPO Sends Letter of Protest to Acting U.S. Secret Service (USSS) Director Joseph Clancy Regarding USSS Request to Disarm Port Authority Police Officers at Newark Liberty Airport Upon President's Arrival

On October 15, 2014, as part of preparations for the arrival of the President at Newark Liberty Airport, the Secret Service demanded that the regularly assigned police officers of the Port Authority Police Department on the airport ramp be stripped of their firearms. Upon learning of this action, NAPO immediately sent the attached letter to Acting U.S. Secret Service Director Joseph Clancy.

This action led to significant and unnecessary risk to the personal safety of these officers. A uniformed but visibly unarmed police officer is a prime target for physical assault or worse. This is particularly true in a dynamic and attention-getting environment such as the arrival of the president at a public airport.

The risk to the public was also greatly increased without reason by disarming the very men and women assigned to protect them, especially when those men and women are highly trained and experienced in the unique operational environment of an active international airport.

NAPO has requested that Acting Director Clancy look into this matter. NAPO will keep our members updated as we learn more. If you have any questions about this issue, please contact Bill Johnson at: bjohnson@napo.org.

Attorney General Holder Announces Vanita Gupta to Serve as Acting Assistant Attorney General for DOJ's Civil Rights Division

On October 15, 2014, Attorney General Eric Holder announced that Vanita Gupta will serve as Principal Deputy Assistant Attorney General and Acting Assistant Attorney General for the Department of Justice's Civil Rights Division. Gupta succeeds Molly Moran, who will become Principal Deputy Associate Attorney General. Gupta begins at the Department today.

Prior to joining the Department of Justice, Gupta served as Deputy Legal Director of the American Civil Liberties Union and Director of its Center for Justice. Previously, she was an attorney for its Racial Justice Program. Gupta began her career as a lawyer with the NAACP Legal Defense and Educational Fund. In addition to her work with the ACLU and NAACP Legal Defense Fund, Gupta has taught civil rights litigation and advocacy clinics at New York University School of Law since 2008.

NAPO President Tom Nee and Executive Director Bill Johnson participated in a conference call with the Attorney General before the appointment was announced. NAPO will monitor that status of this “acting” appointment, but has initial concerns that Ms. Gupta lacks adequate law enforcement experience.

NAPO will keep our members updated on the status of this position. If you have any questions about this appointment, please contact Bill Johnson at: bjohnson@napo.org.

Source:

"Justice News." *Attorney General Holder Announces Vanita Gupta to Serve as Acting Assistant Attorney General for the Civil Rights Division*. N.p., 15 Oct. 2014. Web. 20 Oct. 2014. <<http://www.justice.gov/opa/pr/attorney-general-holder-announces-vanita-gupta-serve-acting-assistant-attorney-general-civil>>.

NAPO Sends Recommendations to Congressional Committees Regarding Ebola Response

On October 17, 2014, NAPO sent letters of recommendation to the Chairmen and Ranking Members of the committees with jurisdiction on issues related to the Ebola virus. NAPO recommended ways to inhibit the spread of the virus in the United States through travel restrictions and the implementation of new protocols for those responsible for addressing Ebola threats at airports. (The letter is attached to this report for your convenience and review).

NAPO is very concerned for the safety of our first responders and the public that they protect. We feel strongly that steps can be taken to prevent the spread of this disease. To ensure the safety of our nation, we proposed the following actions to Congressional Committee leadership: ban flights from affected nations; require that medical personnel traveling to and from the affected countries, as well as infected Americans traveling to the country for treatment, be transported by specially reserved and monitored designated aircraft; and institute a uniform national protocol among agencies (airport police; Customs and Border Protection; and EMS) responsible for addressing the Ebola threat at airports and other ports of entry.

Swift action must be taken to ensure the safety of our public and prevent the spread of this deadly virus. The above actions will also help to instill confidence in travelers across the country.

NAPO will keep our members updated on the status of this issue. If you have any questions, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Participates in Comprehensive Law Enforcement Review Project Teleconferences

NAPO is involved in a comprehensive law enforcement review project, which was initiated in response to a proposal, co-authored by NAPO, recommending a criminal justice review. The Attorney General requested the COPS Office to lead the project, with input from a diverse group of law enforcement stakeholders.

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The goal of the project is to create a foundational document that provides an overview of key developments and challenges in American law enforcement, focusing on the last fifty years. The document will briefly summarize what is understood about the current state of law enforcement from both research evidence and practice. It will also seek to identify the gaps in knowledge in the law enforcement field that might inform future discussion, research, and practice.

Over the past week, NAPO participated in the following teleconferences, which included an in-depth summary of future actions and areas of research:

- **Policy Reform and Implementation**: Subtopics that will be researched include: Attorney General Holder's Smart on Crime Initiative; uniform crime reporting; law enforcement and immigration; federal grant programs; and information sharing.
- **Future of Policing**: Subtopics that will be researched include: policing in a new economy; collaboration and partnerships; developing effective leaders; police agency of the future; and recruitment, hiring, and retention.
- **Technology in Policing**: Subtopics that will be researched include: new technology (body cameras ShotSpotter, etc.); policies; privacy; and investigations and crime reduction (wrongful convictions, DNA, etc.).
- **Alternatives to Incarceration and Strategies for Re-entry**: Subtopics that will be researched include: first offender deferral programs; restorative justice; role of law enforcement in reentry; and mental health.
- **Effective Crime Reduction Strategies**: Subtopics that will be researched include: homicide and violence; gangs and drugs; vulnerable populations; cybercrime; tribal law enforcement; traffic safety; and public health models.

NAPO looks forward to continuing to work with DOJ leadership and fellow law enforcement stakeholders on this important project. We will keep our members updated on the status of this initiative. If you have any questions about NAPO's efforts on the criminal justice review project, please contact Melissa Nee at: mnee@napo.org.

Washington Post Article – FBI Director: Tech Companies Should be Required to Make Devices Wiretap-Friendly

NAPO continues to monitor developments on smartphone encryption that will inhibit law enforcement's ability to gain access to information stored on such devices. The following [Washington Post](#) article outlines FBI Director James Comey's request for technology companies to provide investigators with ways to gain access to encrypted communications in order to ensure public safety and justice. This article accompanies a multitude of recent publications regarding concerns related to new smartphone encryption policies.

FBI director: Tech companies should be required to make devices wiretap-friendly

By Ellen Nakashima

FBI Director James B. Comey on Thursday called for the law to be changed to require technology companies to provide investigators with a way to gain access to encrypted communications, warning that without reform, Americans would see cases in which murderers, rapists and terrorists could more easily elude justice.

"I'm hoping we can now start a dialogue with Congress on updating" the law, said Comey, who has been increasingly vocal on the issue following last month's announcement that Apple and Google are encrypting data on smartphones in a form that the companies cannot decrypt.

“We are not seeking to expand our authority to intercept communications,” Comey said, speaking at the Brookings Institution. “We are struggling to keep up with changing technology and to maintain our ability to actually collect the communications we are authorized to collect.”

Earlier attempts to revise the laws have met with fierce opposition from industry and privacy advocates, and a recent effort died on the vine following revelations last year by former National Security Agency contractor Edward Snowden of widespread NSA surveillance programs.

The FBI calls the dilemma “Going Dark” because of a lack of visibility into suspects’ communications. Comey said Thursday that he understood that tech firms, in encrypting more communications, were responding to market pressures.

But, he said, “the post-Snowden pendulum” has “swung too far in one direction — toward fear and mistrust.” He called for a “national conversation” about the proper balance between liberty and security and about whether law enforcement agents armed with a warrant should be able to intercept a suspect’s communications — including phone calls and text messages — or obtain data such as photos and videos stored on smartphones.

“Have we become so mistrustful of government and law enforcement in particular that we’re willing to let bad guys walk away?” he said.

Comey described several cases in which access to text messages and other evidence obtained from cellphones enabled successful prosecutions, including of a sex offender who killed a young boy in Louisiana.

The FBI director said he wanted to see changes made to a 1994 law known as CALEA — for the Communications Assistance for Law Enforcement Act — so that companies such as Apple and Google have “an obligation to build a lawful intercept” capability into their phones or devices.

Currently only land-line and cellphone companies, broadband services and Internet phone services that connect with traditional phones are covered by CALEA. That leaves out online and peer-to-peer services, and a host of applications that provide text messages and chat services over the Internet.

Comey said he was not seeking a “universal” encryption key, which is a proposal that in the 1990s engendered fierce debate and was killed. Nor, he said, was he seeking a “back door” to allow authorities access.

The bureau wants providers to be required to build a capability in to their products or services, rather than retroactively creating means of access. “We want to approach the front door,” he said. That, he said, should minimize risks of vulnerabilities being introduced that can be exploited by hackers or foreign governments.

A renewed effort to revise the law will face strong headwinds. But, he said, “I think now it’s an opportunity to . . . stand in that wind a little bit and have that conversation.”

Laura W. Murphy, director of the Washington legislative office of the American Civil Liberties Union, said: “Whether the FBI calls it a front door or a back door, any effort by the FBI to weaken encryption leaves our highly personal information and our business information vulnerable to hacking by foreign governments and criminals.”

Altering CALEA to address Comey’s concern, tech experts say, would mean gutting a provision that permits companies to offer services that are encrypted with a key that they do not hold, and thus cannot decrypt. Experts say that such systems are far more secure.

If a company holds the keys, someone other than law enforcement could steal them, said Phil Zimmermann, who created Pretty Good Privacy encryption in 1991 and was nearly prosecuted for it. “Someone could break into that

server and get millions of those keys,” said Zimmermann, who co-founded Silent Circle, a company that provides encrypted voice calls and text messages and does not hold a decryption key. “They become an attractive nuisance.”

Albert Gidari Jr., a partner at the law firm Perkins Coie who represents tech firms, said it isn’t the job of any company to make surveillance easier. “When we accept the premise that full access to everyone’s communications is required,” he said, “there will be no end to access government can demand to your smart home, smart car, and so on, just because a bad guy somewhere might use such a device in furtherance of a crime.”

The bureau, officials said, does not have any legislative proposal drawn up.

NAPO is closely monitoring these developments, and will keep our members updated on any pending legislation related to this issue. If you have any questions, please contact Melissa Nee at: mnee@napo.org.

Source:

Nakashima, Ellen. "FBI Director: Tech Companies Should Be Required to Make Devices Wiretap-friendly."

Washington Post. The Washington Post, 16 Oct. 2014. Web. 20 Oct. 2014.

<http://www.washingtonpost.com/world/national-security/fbi-director-tech-companies-should-be-required-to-make-devices-wire-tap-friendly/2014/10/16/93244408-555c-11e4-892e-602188e70e9c_story.html>.

Please monitor NAPO’s website www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.



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Representing America's Finest

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Executive Secretary
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WILLIAM J. JOHNSON
Executive Director

October 16, 2014

Hon. Joseph P. Clancy
Acting Director
United States Secret Service
245 Murray Drive, Building 410
Washington, D.C. 20223

Re: President's visit to Newark Liberty International Airport

Dear Director Clancy,

I write to you on behalf of the more than 240,000 professional law enforcement officers across this country represented by our association, and in particular the men and women of the Port Authority of New York and New Jersey Police Department. It is our understanding that on October 15, 2014, as part of the preparations for the arrival of the president at Newark Liberty Airport, the Secret Service demanded that the regularly assigned police officers of the PAPD on the airport ramp be stripped of their firearms.

Given your years of service to this nation within the law enforcement community, I am sure that you appreciate the significant and unnecessary risk to the personal safety of these officers engendered by such a demand. A uniformed but visibly unarmed police officer is a prime target for physical assault or worse. This is particularly true in a dynamic and attention-getting environment such as the arrival of the president at a public airport. The risk to the public is also greatly increased without reason by disarming the very men and women assigned to protect them, especially when those men and women are highly trained and experienced in the unique operational environment of an active international airport.

On behalf of our officers, and the public they serve, we would respectfully request that you look into this matter, and correct any mistaken views on the part of the Service regarding their fellow law enforcement professionals.

Sincerely,

William J. Johnson
Executive Director and General Counsel



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NATIONAL HEADQUARTERS

WILLIAM J. JOHNSON
Executive Director

October 17, 2014

The Honorable Michael McCaul
Chairman
Committee on Homeland Security
United States House of Representatives
Washington, D.C. 20515

Dear Chairman McCaul:

On behalf of the National Association of Police Organizations (NAPO), I write to you to recommend ways to inhibit the spread of the Ebola virus in the United States through travel restrictions and the implementation of new protocols for those responsible for addressing Ebola threats at airports.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy. Founded in 1978, NAPO represents more than 1,000 police units and associations, including the men and women of the Port Authority of New York and New Jersey Police Department Police Benevolent Association, and some 241,000 sworn law enforcement officers across the United States.

NAPO is very concerned for the safety of our first responders and the public that they protect. We feel strongly that steps can be taken to prevent the spread of this disease. To ensure the safety of our nation, we propose the following actions: ban flights from affected nations; require that medical personnel traveling to and from the affected countries, as well as infected Americans traveling to the country for treatment, be transported by specially reserved and monitored designated aircraft; and institute a uniform national protocol among agencies (airport police; Customs and Border Protection; and EMS) responsible for addressing the Ebola threat at airports and other ports of entry.

Swift action must be taken to ensure the safety of our public and prevent the spread of this deadly virus. The above actions will also help to instill confidence in travelers across the country.

If we can provide any additional information as you review our recommendations, please feel free to contact me at: (703) 549-0775.

Sincerely,

William J. Johnson
Executive Director