

April 13, 2016

The Honorable Richard Burr
Chairman
Senate Intelligence Committee
217 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Vice Chairman
Senate Intelligence Committee
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Burr and Vice Chairman Feinstein,

On behalf of the National District Attorneys Association (NDAA), the largest prosecutor organization in the country, and the International Association of Chiefs of Police (IACP), the world's largest organization of law enforcement executives, we write in strong support of your draft legislation addressing the smartphone encryption issue. The legislation provides the necessary lawful access by law enforcement and prosecutors to critical digital evidence that has become more and more of an integral part in today's investigations in the field.

First and foremost, we fully understand the need to balance privacy of customer data with the ability for law enforcement to carry out investigations to arrest and prosecute criminals plaguing our communities. Having said that, we fully expect companies to comply with a valid court order, a fundamental form of legal process used throughout the country by law enforcement and prosecutors to obtain evidence crucial to investigations of all types ranging from child pornography, to homicides, abductions, and human trafficking. Your legislation would help obtain this critical evidence by requiring service providers to decrypt requested information or at a minimum provide technical assistance in order to obtain the evidence necessary to carry out an investigation and seek justice in our communities.

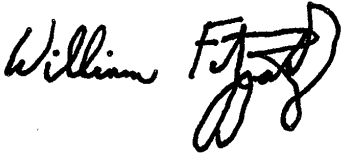
As we saw recently in the San Bernardino case, Apple refused to comply with a valid, legally issued search warrant obtained by establishing probable cause before a judge. This unfortunate decision by Apple only serves to highlight the fact that Apple and other companies currently have the ability to unilaterally decide who has access to evidence that is essential to day to day investigations. Simply put, this allows for profit companies to determine what they believe is the appropriate balance between customer data security, versus the security of our communities.

One criticism we have often heard throughout the encryption debate is that law enforcement and prosecutors are demanding a so-called "back door" to access digital evidence. To the contrary, we are simply looking to access information legally through the front door by appearing before a judge and presenting the facts leading up to the issuance of a valid court order. In the discussion draft legislation, you specifically allow each company to tailor its own approach to complying with court orders, without any

mandated technology or process by the government. We think this is both a reasonable and sound approach to providing flexibility to the service providers, while also ensuring critical evidence is accessible.

On behalf of both of our organizations, we applaud you for introducing this important legislation. We look forward to working with you and your staff in the weeks and months ahead to move this legislation forward and ultimately ensure that justice can be served for the victims of crimes in our communities.

Respectfully,

A handwritten signature in black ink that reads "William Fitzpatrick". The signature is written in a cursive style with a large, stylized "F" and "P".

William Fitzpatrick
President
National District Attorneys Association

A handwritten signature in black ink that reads "Terrence M. Cunningham". The signature is written in a cursive style with a large, stylized "T" and "C".

Terrence M. Cunningham
President
International Association of Chiefs of Police