



MAJOR CITIES CHIEFS ASSOCIATION

June 02, 2020

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham,

I write to register the Major Cities Chiefs Association's (MCCA) support for the *Lawful Access to Encrypted Data Act*. MCCA is a professional organization of police executives representing the largest cities in the United States and Canada. Collectively, the MCCA represents over 79.9 million people and a workforce of 251,082 officers and non-sworn personnel.

The ability for criminals to “go dark” and their use of warrant-proof encryption are two of the biggest challenges facing law enforcement today. While there has been much debate surrounding how these issues have impacted prominent terrorism investigations, such as those in San Bernardino and Pensacola, the challenges related to lawful access extend well beyond the federal government. Criminal's use of encryption has stifled countless local law enforcement violent crime, drug, and sexual exploitation investigations. Considering the immense amount of time and resources it takes to access encrypted data, coupled with the reality that many local law enforcement agencies have less resources than our federal partners, there is often no recourse when local law enforcement encounters a device or communications service using warrant-proof encryption.

The MCCA fully recognizes the benefits encryption affords to law abiding citizens. The right to privacy that Americans enjoy is part of what makes our country great. However, we cannot let criminals continue their malicious use of this technology at the expense of our communities' safety. Therefore, the MCCA has long called for a solution that allows law enforcement to get the information they need while protecting civil rights and liberties to the greatest extent possible.

The MCCA believes that the *Lawful Access to Encrypted Data Act* strikes the proper balance between lawful access and privacy. The bill contains numerous provisions to promote accountability and safeguard against abuse. For example, prior to a company being required to decrypt data, law enforcement must receive a specific court order, as well

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as a search warrant for the specific information they would like to access. Furthermore, the entire procedure is subject to a robust legal process that will ensure due process is afforded to all parties.

The bill also contains additional resources for the National Domestic Communications Center (NDCAC). Additional NDCAC resources are valuable because they will help increase the lawful access capabilities of local law enforcement. The NDCAC will also help foster cooperation between law enforcement and the private sector, further ensuring the continued use of encryption does not jeopardize public safety.

The MCCA understands that the *Lawful Access to Encrypted Data Act* will not be popular with everyone and we appreciate your willingness to tackle such an important issue. Thank you for your continued support of law enforcement and the MCCA stands ready to work with you to advance this important piece of legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Art Acevedo', with a stylized flourish at the end.

Art Acevedo
Chief, Houston Police Department
President, Major Cities Chiefs Association