

<title>10-28-96: Address To the First General Assembly of the International Association Of Chiefs of Police Conference; Phoenix, Arizona </title>

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ADDRESS OF THE HONORABLE JANET RENO,
UNITED STATES ATTORNEY GENERAL,
TO THE FIRST GENERAL ASSEMBLY
OF THE INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE CONFERENCE
PHOENIX, ARIZONA
OCTOBER 28, 1996

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1 Thank you so much, Chief. I'm very
2 honored to be here with you today. For in over
3 three-and-a-half years, I've had a chance to visit
4 some of your towns and cities. I have had a
5 chance to watch you in action or hear of your
6 work, and I have the greatest respect and
7 admiration for what you do for your cities and
8 towns across this nation. You operate based on
9 old-fashioned principles of trust, and where I see
10 police chiefs succeeding as I do so often, it's
11 because they build trust. You enforce the law
12 firmly but fairly. You're on the front lines of
13 bringing your community together, and yet you are
14 so progressive and understanding in reaching out
15 to understand problems of modern technology as
16 they impact on crime and as you develop new and
17 exciting techniques for this next century. You
18 are on the front line, and this administration

19 recognizes that. And as I was thinking of what I
20 was going to say, I realized how much we have
21 relied on police chiefs Tom Constantine and
22 Eduardo Gonzales and Ray Kelly and Joe Brannon and
23 Harlan McCune. We know where to go for people who
24 understand what crime is about in America and we
25 need to do about it.

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1 One of the people that I have looked to,
2 I couldn't persuade him to come to the Justice
3 Department, but I regularly brought him to the
4 Justice Department as often as he will come, is
5 Dave Walchak, and it has been such a privilege to
6 work with him. He has such a fine sense of what
7 policing should be about. He has such a great
8 understanding of people. And he has a wonderful
9 understanding of technology. I am going to ask
10 him to continue to educate me on those issues. It
11 has been a great honor to work with you and a real
12 privilege and thank you so much for all your
13 support during this time.

14 And, Dan, thank you. You're always there
15 speaking for the Association, and we value your
16 counsel so very much.

17 And Chief Sanders, I look forward to
18 working with you in every way that I possibly can.

19 We have in all these efforts tried to
20 forge a great partnership, recognizing that you
21 are on the front line and that you understand your
22 needs and resources in your community far better
23 than we can in Washington. We have tried to forge
24 a partnership based on a two-way street where we
25 get information, but we give information; where we

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1 provide training, but where we learn from you;
2 where we share understanding of tactics, and we
3 learn from you; where we operate based on
4 principles of federalism, not grabbing cases for
5 headlines or for turf, but providing information
6 so that you may handle the case according to
7 principles of federalism. We've seen evidence of
8 this partnership and the anti-violence initiative
9 which has been so successful because of your work
10 and your coordination.

11 We have focused on drugs, and that is a
12 classic example of the partnership. Tom

13 Constantine has been a leader in bringing the Cali
14 cartel to its knees. There are more in prison in
15 Colombia than ever before. We have prosecuted and
16 now convicted Garcia Abrego, a major trafficker,
17 because of the work of so many concerned. And we
18 see major investigations under way and indictments
19 announced. But then you start looking at those
20 indictments. They may be federal indictments, but
21 some of the information that started the whole
22 case, that unrolled the whole investigation, came
23 from local law enforcement, and you see what can
24 be done when that partnership is formed. And then
25 we see what has been done with the METS program,

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1 again, putting local law enforcement first and
2 doing what we can to support you. And in
3 community policing with now over 20,000 police
4 officers added to the rolls of policing in America
5 and over 20,000 more authorized. And the Brady
6 Act, and the ban on assault weapons is an example
7 of what we have done together in securing
8 legislation that can make a difference. And in
9 the improvement of criminal histories. I get so
10 frustrated when I talk to people about the
11 improvement of criminal histories and tell them
12 how important it is and they look at me blankly.
13 I know I can look out at this audience and know
14 that I am seeing people who appreciate it. And
15 together we have got to continue to work, not to
16 get credit, but to get results.

17 And we're seeing the results. Violence
18 is down in most cities in this country. But I
19 know what that's like. In Miami I cheered when
20 violence went down in the early '80s, and then
21 crack came, and the violence started up again.
22 And now we look at what methamphetamine may do
23 today.

24 I look forward to doing everything I can
25 to forging an even stronger partnership where we

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1 look at patterns of crime across this country,
2 where we catch early indicators of what might be
3 happening, that we work together to solve
4 problems, first by preventing them, and then if we
5 can't catch them early, by meeting them head on
6 with vigorous enforcement that can make a

7 difference.

8 The job of police chief is an
9 extraordinarily difficult one. You are at the
10 heart of community-building. Without a strong
11 police chief, community-building is not happening
12 in this nation. And yet at the same time, your
13 town or your city is having to focus on where it
14 exists in a world whose borders are shrinking and
15 in which technology is bringing us together as
16 never before, creating new concepts of community
17 such as Internet chat rooms that I still have
18 difficulty understanding. With this comes
19 enhanced risk of terrorism, international
20 organized crime, international gambling on the
21 Internet, fraud on the Internet, and international
22 pornography. And it's in our front door if we
23 don't watch out.

24 How do we face these issues? Some would
25 say that these issues stagger the imagination and

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1 convert vanity to prayer, but using prayer, let us
2 move forward and be resolute and not let anything
3 back us down.

4 And in that instance, I'd like to talk to
5 you about three points. First of all, youth
6 violence, which I think continues to be one of the
7 major crime problems we face in this country;
8 secondly, terrorism, paramount in our mind; and,
9 third, computer crime.

10 This association has taken the lead for
11 this country in focusing on youth violence. Your
12 summit this past year was extraordinary, and I
13 just wished I could have attended all the panels
14 because the work that was done was just splendid.
15 I've had a chance to review the draft of that
16 report, and it is excellent, and I commend you.
17 We are seeing results because of what you are
18 doing on the front line.

19 The juvenile murder rate, arrest rate, is
20 down for the second time, down significantly. The
21 youth violence rate is down for the first time,
22 2.9%.

23 But I remember what happened. I would
24 cheer in Miami when the violence went down by one
25 in one year and then the next year it would be up

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1 and it would be a blip. We can't rest on our
2 laurels. We have got to understand that if we are
3 going to deal with the problem of youth violence,
4 if we're going to deal with the problem of
5 increasing youth usage of drugs, we're going to
6 have to work together as never before, for the
7 number of young people in the age category of 12
8 to 17 is increasing significantly in these next 15
9 years.

10 What are the solutions? You know best,
11 and we need to share. And when you find something
12 that's working, you need to share it with us so we
13 can let others know. But, clearly, one of the
14 keys to solving the problem of youth violence is
15 letting young people know that there is going to
16 be a firm, fair punishment that fits the crime,
17 and that it's going to be carried out. We have
18 tried to enforce that by providing additional
19 dollars for boot camps and drug courts. But you
20 and I know, and your officers on the streets know,
21 that if we send an armed robber at age 14 to two
22 years of appropriate detention, that's not going
23 to be worth anything if he returns to the
24 apartment over the open-air drug market where he
25 got into trouble in the first place. And we have

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1 got to galvanize together at every level of
2 government to let everyone know how programs for
3 aftercare and follow-up are very critically
4 important.

5 But we can innovate and be creative. You
6 have done so much in developing community policing
7 initiatives. Why not reach out in partnership
8 with probation officers, with parole officers,
9 juvenile offender parole officers, and create
10 partnerships of community probation officers with
11 community police officers? Why don't we link with
12 the juvenile detention facilities and the
13 community police officers and build strong
14 aftercare programs?

15 In community policing it has been
16 extraordinary to see what community after
17 community is doing when police officers reach out
18 to build trust amongst young people. You can do
19 so much in truancy prevention. You are working so
20 hard to get guns out of the hands of kids. You
21 are working to figure out how we can mediate

22 problems with youngsters who are just on the verge
23 of getting in trouble.

24 But we need to look further. Why are
25 young people using drugs more often these days?

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1 What's working? What's not working in terms of
2 prevention? You're on the front line, and we need
3 to forge a stronger partnership where we hear from
4 you as to what's needed to make a difference.
5 Instead of designing programs in a vacuum, we need
6 to fashion programs that can respond to what your
7 particular community needs in terms of a
8 prevention initiative, in terms of a drug court,
9 in terms of a truancy prevention program or a gang
10 program, and we're going to be listening to you.

11 The second problem I want to discuss is
12 terrorism. None of us is immune. All of us will
13 remember April the 19th, 1995. We will remember
14 the World Trade Center. We have seen the impact
15 in Eastern Washington, in Montana. It is the
16 large city, the city in the heartland of this
17 country, the smaller town, the more rural area.
18 None of us is immune.

19 Terrorism is a law enforcement problem,
20 and like every other law enforcement problem we
21 have tackled, we must tackle this together. This
22 is not a federal problem. It is not a state
23 problem. It is not a local problem. It is the
24 problem of every single one in this room working
25 together.

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1 Let us not forget that it was an Oklahoma
2 City patrol officer who spotted the wheel axle
3 containing the VIN number for the vehicle used to
4 bomb the Murrah Federal Building. Let us not
5 forget it was an Oklahoma Highway Patrol officer
6 who made the first arrest in the case.

7 I can tell you that I have never been so
8 proud of law enforcement as I was when I visited
9 Oklahoma City just days after the bombing and
10 walked through the command post finding FBI and
11 ATF agents working side by side with Oklahoma City
12 police officers, county sheriffs, highway patrol
13 officers working for one common goal, not to get a
14 stat but to bring some terrible criminals to
15 justice.

16 We must respond together, and our policy
17 in responding to acts of terrorism, both at home
18 and abroad, should be straightforward and simple.
19 First, we must work together to do everything
20 possible to deter and prevent terrorist attacks.
21 Secondly, when acts of terrorism do occur, we must
22 respond quickly and decisively and together with
23 the full range of law enforcement and other
24 options that are available. And in this process
25 we must work with FEMA and community agencies to

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1 reach out to victims and their loved ones and
2 never forget them and respond as quickly as
3 possible to their needs. Thirdly, we must work
4 with our friends throughout the world to stop
5 terrorism and to ensure that none go unpunished.

6 Within the executive branch we have
7 strengthened relationships between law enforcement
8 and intelligence communities within a framework
9 that fosters greater cooperation while respecting
10 long-standing limitations on direct intelligence
11 participation in criminal investigations. In
12 addition, we now use the National Law Enforcement
13 Telecommunications System or NLETS to pass
14 unclassified terrorist related information to
15 state and local law enforcement agencies. We have
16 formed 12 formal joint terrorism task forces,
17 including one here in Phoenix with other cities
18 involved also, New York, Los Angeles, Atlanta,
19 Chicago, Dallas, Houston, Miami, Newark,
20 Philadelphia, San Francisco and Washington. These
21 task forces have played a role in a number of
22 domestic terrorism investigations. But I am
23 committed to doing everything in my power to
24 enhance our efforts to reach out to state and
25 local law enforcement so that not just in the

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1 major cities of this country but in every state
2 all of law enforcement knows who to go to, where
3 to go and that there is a comprehensive and
4 coordinated two-way street that can address
5 problems that can ensure an appropriate exchange
6 of information that can provide appropriate
7 training and appropriate techniques and tactics.

8 I think it is imperative that we work
9 together to identify the critical facilities and

10 structures, to identify people in the private
11 sector that can be our partners.

12 We have a whole new world before us. It
13 used to be just buildings that we worried about.
14 But now with one creative tool, we can bring down
15 a power grid by throwing a switch. We can
16 interrupt 911 systems. We can do so much with the
17 technology that also gives us opportunity at the
18 same time. We need to work together to share the
19 technology that can prevent the problem in the
20 first place.

21 I will invite Chief Sanders to work with
22 us in this coming year, work with the FBI, to make
23 sure that we have the Association's view of how
24 best we can meet the needs of all of law
25 enforcement across this land in joining together

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1 as one in preventing and combating terrorism.

2 The next issue is computer crime. We see
3 criminals use computers in one of three ways:
4 First, computers are sometimes targeted. That is,
5 the actor's conduct is designed to steal
6 information from or cause damage to a computer
7 system. Secondly, computers are used as tools to
8 facilitate traditional offenses. For example,
9 individuals are now using the Internet, as I
10 mentioned earlier, to distribute child
11 pornography. Third, computers are used to store
12 evidence that we as law enforcement need to
13 access. For example, drug dealers now store their
14 records on computers.

15 When I came to Washington, I recognized
16 that the information age brought new challenges to
17 law enforcement, and I have frequently said that
18 high-tech crime is one of the most important
19 priorities of the Department of Justice. The
20 sheer number of intrusions into computer systems
21 and the magnitude of the dollar losses would give
22 any law enforcement officer pause. And for those
23 of you who are from a small rural town, don't feel
24 too secure. If a man can sit in a kitchen in
25 St. Petersburg, Russia, and with his computer

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1 steal from a bank in Chicago, he can steal from
2 your bank too, and we need to understand how we
3 can work together to address these issues.

4 The magnitude of the problem is indicated
5 by the Computer Emergency Response Team at
6 Carnegie-Mellon University, the 24-hour response
7 team for Internet incidents. It has reported that
8 the number of security incidents reported to them
9 as increased approximately 500% since 1991 and the
10 number of computer sites affected worldwide has
11 increased over 700%. One recent survey of 246
12 companies revealed that the monthly rate of
13 incidents involving the theft of proprietary
14 information has risen 260% since 1985. As
15 alarming as these surveys are, security experts
16 believe that most computer crimes are neither
17 detected nor reported. In fact, statistics
18 compiled by the Department of Defense strongly
19 support this conclusion. To test the security of
20 their own systems, they attacked their own
21 machines. They attacked 38,000 machines,
22 successfully penetrating the attack site 65% of
23 the time. Of these successful penetrations, only
24 4% were detected, and of those detected, only 27%
25 were reported. Put another way, of the 38,000

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1 machines attacked, almost 25,000 were penetrated,
2 only 988 knew it, and only 267 reported it. We
3 have a long way to go, but we must go together.

4 The FBI has now established three
5 computer crime squads, one in Washington, one in
6 San Francisco and one in New York. It has
7 established the Computer Investigations and Threat
8 Assessment Center to better identify the nature of
9 the threat and better coordinate the FBI's
10 response.

11 For the Justice Department as a whole, we
12 have created the Computer Crime and Intellectual
13 Property Section, a group of 11 high-tech
14 prosecutors devoted full time to computer crime
15 and intellectual property issues.

16 I've had the chance to see what happens
17 when we start working together with state and
18 local law enforcement in the anti-violence
19 initiatives we have undertaken. We must do the
20 same with respect to high-tech crime.

21 As serious as hacking is, though, it
22 represents only one aspect of the computer crime
23 problem. As the use of computers and
24 telecommunications continues to grow

25 exponentially, law enforcement agents are finding

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1 that computers hold relevant evidence in almost
2 every type of case. Whether fraud, narcotics
3 trafficking or even murder, computer evidence may
4 be important. But how do you execute a warrant in
5 a computerized environment? What if officers
6 acting with a warrant enter a business and
7 download a critical file only to find out later
8 that this document was stored on a server in
9 another state where the warrant had no force? Or
10 equally troubling, what if the document was stored
11 in another country and the searched country takes
12 offense at the execution of the search? And what
13 are the rules protecting the privacy of electronic
14 mail and the privacy of computer users generally?
15 These tricky questions, once theoretical, are now
16 practical problems for every single one of us and
17 for our officers in the field.

18 To assist law enforcement agents, the
19 Department of Justice has issued the Federal
20 Guidelines for Searching and Seizing Computers to
21 help provide guidance, and we have worked with our
22 counterparts at the state, local and international
23 level to address these difficult issues. I meet
24 regularly with ministers of justice, recognizing
25 that if that man in St. Petersburg can steal from

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1 your bank, our whole effort at law enforcement
2 must now reach out to include a partnership with
3 our colleagues abroad.

4 Our training on computer crime related
5 topics is offered to federal, state and local
6 agencies and is a critical component of our
7 computer crime initiative. In the training
8 context, the generic term "computer crime"
9 includes the investigation and prosecution of
10 computer abuse, electronic search and seizure, the
11 admissibility of electronic evidence, wiretapping
12 data networks and constitutional issues. We
13 provide state and local training in three ways:
14 One, through DOJ-funded government organizations
15 such as the National White Collar Crime Center,
16 which provides state and local training with
17 monies from the Office of Justice programs; two,
18 through professional associations comprised in

19 whole or in part of state and local law
20 enforcement; and, three, through individual
21 training sessions sponsored by local, state and
22 federal agencies.

23 But we must do so much more to enhance
24 our effort. And I don't want us telling you what
25 we should be teaching you. I want to again create

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1 a partnership, Chief Sanders, whereby we listen to
2 you and understand what you need to solve the
3 problems of computer crime in your community.
4 We're inviting you to join with high-tech agents
5 and prosecutors in an info-tech training group.
6 We want to develop comprehensive training agendas
7 for all levels of government and continuing
8 training that will serve us well for the
9 cyberworld in the century to come.

10 But to address high-tech crime, we must
11 also have the ability to seize and analyze
12 electronic evidence. We have crime labs, but we
13 need new tools in those crime labs, and in the
14 future we must make sure that the laboratory
15 resources exist to serve all levels of law
16 enforcement, and we look forward to working with
17 you in that effort.

18 But none of this will matter much if our
19 current law enforcement tools are rendered
20 useless. That is what we face with respect to
21 data encryption. All of you know and understand
22 that it is possible to encode or encrypt
23 electronic data. Few of you realize just how
24 easy, just how cheap it is and just how helpless
25 all of us in law enforcement are if we can't

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1 decode the data. I am talking about far more than
2 electronic surveillance. I'm talking about drug
3 records which were kept by your local drug dealer
4 in a small black book just five years ago and
5 which today he keeps on the PC which he bought at
6 a local discount store for under a thousand
7 dollars. If the files are encrypted with the new
8 technology, we may be simply unable to access
9 them.

10 In recent years we have witnessed a
11 vociferous debate about the use of encryption.
12 Individuals concerned about privacy, commerce,

13 computer security, law enforcement and national
14 security have all voiced strong and often
15 conflicting opinions regarding the use and
16 regulation of encryption. But our ability to
17 protect our public safety is threatened by the
18 spread of unbreakable encryption. Terrorists will
19 be able to communicate securely and the value of
20 wiretaps will be lost. Drug dealers will encrypt
21 their records rendering search warrants useless.
22 Thus, we seek a balanced policy that takes account
23 of all the competing interests. Our goal is to
24 promote the development and use of strong
25 encryption which enhances the privacy of

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1 communication and stored data while at the same
2 time preserving law enforcement's ability to gain
3 access to evidence as part of a legally authorized
4 search or surveillance.

5 I have so many people tell me, "Oh,
6 you're getting new powers if you have the ability
7 to access encrypted information." It's exactly
8 the same principle as when I go into court to get
9 a court order to wiretap. It is just as important
10 a law enforcement tool. It is consistent with the
11 Constitution. And your editorial boards, your
12 business leaders and your community government
13 leaders must hear and understand just what is at
14 stake. If they are not worried about the drug
15 dealer, then tell them, "What are you going to do
16 when somebody steals your secrets and puts them in
17 a computer and we can't trace who's done it
18 because it's been encrypted?" Let's get this
19 debate open and above board in a common sense
20 discussion that can persuade people that we can
21 protect privacy just as we protect privacy today
22 for innocent people through established procedures
23 in wiretapping through procedures of mitigation
24 while at the same time giving us access to the bad
25 guys according to principles of due process in the

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1 constitution.

2 One method to achieve this balance is
3 through the use of key recovery products. With
4 such products law enforcement agents can pursuant
5 to lawful process access a key that can then be
6 used to decipher the encrypted information. This

7 solution provides robust cryptography for
8 law-abiding citizens while denying criminals the
9 benefit of encryption. The administration has
10 undertaken a major initiative to promote the
11 manufacture and use of key recovery products over
12 the long term while providing some temporary
13 relief to U.S. industry which has been pushing to
14 end restrictions on the export of strong
15 cryptography. Under the administration's
16 initiative, the export of certain strong
17 encryption products will be permitted for two
18 years, but only with industry commitments to build
19 and market future products that support key
20 recovery after the two-year transition period.
21 And I am watching that. I have -- it used to be a
22 little black book. It's now a big black notebook.
23 And this is one of my keys in watching how this
24 whole effort unfolds to make sure that we hold
25 them to that promise. It is important to

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1 understand that if we fail in this effort, law
2 enforcement agents at every level of government
3 will find their job increasingly more difficult
4 because evidence can be hidden and warrants and
5 wiretaps can be effectively nullified. Law
6 enforcement, therefore, must remain committed to
7 the goal of promoting the development of a key
8 recovery system, and you can be instrumental.

9 When I started, I talked about the
10 old-fashioned trust that you build in your
11 community with that activist that comes to a
12 meeting and hollers at you, with the mayor who is
13 trying to figure out how to handle his budget,
14 with the young offender who needs a fresh start
15 after having served an appropriate sentence. For
16 your rank and file that put their life on the line
17 day in and day out, for all of these people and
18 all the citizens you serve in community after
19 community across this nation, you are at the heart
20 of building trust. Through that strength that you
21 have in your community it is important that we let
22 the community know in words that they can
23 understand how important it is that we move into
24 this next century, into the cyberworld, protecting
25 and maintaining our constitution and law

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1 enforcement's ability to do its job pursuant to
2 the constitution.

3 For a little over three-and-a-half
4 years I have had an opportunity to travel across
5 this nation. I was raised by parents who taught
6 me that this was the most wonderful nation in the
7 world, a nation that had great hope for all its
8 people, a nation that faced with adversity could
9 solve its problems by coming together. But after
10 three-and-a-half years, I will tell you that my
11 mother didn't quite get it. She told me that
12 American people were wonderful. She sometimes
13 fussed at law enforcement, but she told me law
14 enforcement was wonderful. And my father, the
15 police reporter, told me day in and day out what
16 incredible efforts law enforcement went to to
17 protect the people in the community I love. But
18 they didn't have it. You all are just miracle
19 workers. You do so very much to bring communities
20 together, to protect this nation, to build trust,
21 and it is an honor and a privilege to work with
22 you.

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12 I, LAWRENCE L. DRIVER, hereby certify
13 that the foregoing 24 pages constitute a full,
14 true and accurate transcript of all the
15 proceedings had in the foregoing matter, all done
16 to the best of my skill and ability.

17 DATED at Phoenix, Arizona, 29th day of
18 October, 1996.

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Court Reporter