

Manhattan DA, law officials push for encryption legislation

April 18 2016, by By Bree Fowler



In this Tuesday, Oct. 21, 2014, file photo, Manhattan District Attorney Cyrus R. Vance Jr. speaks to the media during the inaugural National Prosecutorial Summit, in Atlanta. Calling it an issue of victims' rights, Vance, on the steps of New York's City Hall, urged Congress on Monday, April 18, 2016, to pass legislation that would require tech companies to give law enforcement a way to access information on encrypted phones and other devices. (AP Photo/Branden Camp, File)

Calling it an issue of victims' rights, the Manhattan district attorney urged Congress to pass legislation that would require tech companies to give law enforcement a way to access information on encrypted phones and other devices.

Cyrus Vance Jr. said that while the debate over encryption has centered on issues of privacy and national security, the implications go far beyond that. The Manhattan district attorney's office currently has 230 phones involved in cases that it has warrants to search, but can't access the information inside.

"There are victims of crime, survivors of crime, that are waiting for the Senate to lead and find a way forward, so we can access key evidence that now resides on smartphones that cannot be opened," Vance said Monday on the steps of New York's City Hall.

A Senate bill now being drafted would effectively prohibit unbreakable encryption and require companies to help the government access data on a computer or mobile device with a warrant.

The bill is being finalized by the chairman of the Senate Intelligence Committee, Sen. Richard Burr, R-N.C., and the top Democrat, Sen. Dianne Feinstein of California. But it remains unclear when the bill will be introduced.

Tech companies, civil liberties groups and some members of Congress, have railed against the draft, saying that it would effectively require the companies to create "back doors" into encrypted devices and undermine security for everyone.

Standing near Vance were the mother and sister of Brittney Mills, 29, who was gunned down in her Baton Rouge, Louisiana, home in April 2015. Mills was pregnant at the time. Doctors delivered the baby, but he

died days later.

The case remains unsolved, but investigators say clues to the murder might be uncovered from the woman's iPhone. According to Mills' friends and family, she kept a diary on her phone where she detailed her thoughts and feelings, East Baton Rouge District Attorney Hillar Moore said.

"My office hopes to allow Brittney Mills to speak again, hopefully through the words in her diary or other data that isn't currently available to us," Moore said. "We desperately need access to her phone to give justice to her, her family and to give her family peace."

Vance and Moore spoke Monday just ahead of a hearing on encryption before a House Energy and Commerce subcommittee. Attorneys for Apple and law enforcement are expected to testify. Apple Inc. declined comment on the draft legislation and on Tuesday's planned hearing.

The Justice Department and the tech industry have sparred over encryption for years. The recent court battle over access to an iPhone used by one of the San Bernardino, California, shooters pushed the issue into the spotlight.

The Justice Department dropped that court battle after an outside party came forward with a way to bypass Apple's security and access the phone's data.

FBI Director James Comey said the method used to break that phone works only on an iPhone 5C running version 9 of the Apple operating system, which means that it might not be much help for cracking other phones.

Despite that, Vance said that he's spoken with Comey and is "absolutely"

confident that the Justice Department will do what it can to help state and local law enforcement. But he added that legislation is needed to prevent an encryption "arms race" between law enforcement and the tech industry.

© 2016 The Associated Press. All rights reserved.

Citation: Manhattan DA, law officials push for encryption legislation (2016, April 18) retrieved 25 April 2024 from <https://phys.org/news/2016-04-manhattan-da-law-encryption-legislation.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.