July 13, 2022

Honorable Chris R. Holden  
Honorable Frank Bigelow  
Honorable Isaac G. Bryan  
Honorable Lisa Calderon  
Honorable Wendy Carrillo  
Honorable Megan Dahle  
Honorable Laurie Davies  
Honorable Mike Fong  
Honorable Vince Fong  
Honorable Jesse Gabriel  
Honorable Eduardo Garcia  
Honorable Marc Levine  
Honorable Bill Quirk  
Honorable Robert Rivas  
Honorable Akilah Weber, M.D.  
Honorable Lori D. Wilson

Dear Chair Holden and members of the Committee,

I submit this letter on behalf of the California News Publisher’s Association (CNPA), which represents 850 publications, are proud to co-sponsor your SB 1000, with the California Broadcasters Association, which would ensure the press access to radio transmissions, which is vital to transparency. Additionally, California Black Media, Ethnic Media Services, the First Amendment
Coalition, National Press Photographer’s Association, Radio Television Digital News Association, Orange County Press Club, Pacific Media Worker’s Guild, San Diego Pro Chapter of the Society of Professional Journalists, Media Alliance, National Association of Black Journalists Los Angeles, Asian American Journalists Association of Los Angeles, Society of Professional Journalists LA, Online News Association Los Angeles, LA Press Club, and National Writers Union have signed on to this letter in support of this important legislation.

Monitoring Radio Transmissions is Essential to Reporting Critical Information to the Public

The public relies on news outlets to report on developing stories in their communities, including criminal activity, such as active shooter situations, and natural disasters, such as wildfires. To fulfill this duty to the public to provide accurate and timely information, journalists across California – and throughout the United States – monitor police and first responder agency scanners.

The public has turned to their local publications for the latest updates on raging wildfires, mass shootings, and other major news events, a public service that is made possible by monitoring radio transmissions. In a recent survey of our members, CNPA found that 78 percent of our members find monitoring police radio transmissions is very valuable in reporting on breaking news or developing situations.

There have been documented cases of agencies blocking media from accessing the encrypted systems. The Eastern Riverside County Interoperable Communications Authority (ERICA) – which includes the law enforcement agencies for the cities of Beaumont, Cathedral City, Desert Hot Springs, Indio and Palm Springs – last year revoked media access to their scanners.

Full Radio Encryption is Not Necessary to Protect Privacy Interests

We understand and respect privacy concerns that are laid out to access certain databases via CLETS, but we believe there are better options to balance individuals’ right to privacy with the public’s genuine need to know. The Department of Justice issued an informational bulletin in October of 2020, providing guidance on encryption and compliance with privacy requirements, which provided two options to protect personally identifiable information. The first is to only encrypt certain transmissions that contain Personally Identifiable Information. However, some law enforcement agencies have used this as a justification to encrypt all radio transmissions, cutting off necessary transparency.

The California Highway Patrol policy on unencrypted radio transmissions is an excellent example of how to strike the appropriate balance between protecting private information, while ensuring access to transmissions that are critical to reporting. Moreover, there are successful examples across the country of ways to access the federal databases, without requiring full radio encryption because the terms of use only require specified information remain confidential.

Further, SB 1000 provides for an exception so as not to interfere with specified police activity such as undercover or tactical operations, ensuring safety of officers engaged in these activities. Again, striking an appropriate balance between protecting privacy and the public’s right to know.

For all reasons, CNPA, California Black Media, Ethnic Media Services, the First Amendment Coalition, National Press Photographer’s Association, Radio Television Digital News Association, Orange County Press Club, Pacific Media Worker’s Guild, San Diego Pro Chapter of the Society of Professional Journalists, Media Alliance, National Association of Black Journalists Los Angeles,
Asian American Journalists Association of Los Angeles, Society of Professional Journalists LA, Online News Association Los Angeles, LA Press Club, and National Writers Union, strongly support SB 1000 and respectively urge your “AYE.”

Sincerely,

Brittney Barsotti
General Counsel, CNPA