



October 27, 2025

VIA ELECTRONIC MAIL

Mayor Adena Ishii
Members of the Berkeley City Council
2180 Milvia Street 5th Floor
Berkeley, CA 94704

Re: Opposition to Agenda Item No. 18, Encryption of General Police Radio Channels

Dear Mayor Ishii and Members of the City Council:

The First Amendment Coalition, the Society of Professional Journalists of Northern California and the Pacific Media Workers Guild NewsGuild-CWA Local 39521 write in opposition to Item No. 18 on the Oct. 28 meeting agenda, a proposal that would clear a path for the Berkeley Police Department to fully encrypt general police radio channels.

Berkeley should maintain its existing policy that allows sensitive communications to occur on encrypted channels while general communications are conducted on open channels. Silencing all police radio traffic would eliminate a critical newsgathering tool and ultimately leave residents of Berkeley less informed about important issues of public concern.

For decades, members of the press and public have had access to police radio traffic in communities across the country. Journalists listening to police scanners are able to make important decisions about how to best cover breaking news, such as wildfires, floods, earthquakes, traffic crashes, protests, police shootings and crime. For instance, when early details emerge in police radio communications, journalists can better assess the number of reporters or photographers that may be needed on a given story and can glean practical details to plan their coverage, including information about road closures, where they may find command staff or safety precautions they may need to take.

Access to police radio traffic is also a critical police oversight tool. It gives the listening public, advocates¹ and journalists insights that may not otherwise be readily available or come out in what an agency chooses to put in a news release. For instance, journalists have used radio communications as part of investigations into controversial use of force by police and when officers have been harmed in the line of duty. As the nonprofit newsroom The Oaklandside reported,² if police radios go silent, “Reporters will have one less tool to dissect what happened during a crisis, unfiltered by the department’s public information officers.” Access to the real-time communications in those first moments of a crime or disaster can inform the questions

¹ [“Public begins to push back on Berkeley encryption plan,” by Emilie Raguso, The Berkeley Scanner, Oct. 20, 2025.](#)

² [“OPD’s Decision to encrypt its radio feed takes away a crucial reporting tool,” by Darwin BondGraham, The Oaklandside, Sept. 3, 2025.](#)

journalists ask police departments and other city leaders and form the basis for public records requests they may need to submit to gain a fuller picture of issues important to their audiences. This leads to more informed Californians and better oversight of policing in our communities.

Existing policy allows the department to encrypt transmissions for Special Response Team operations, special patrol and investigative operations, prolonged critical incidents, execution of search warrants, or transmissions of information under the umbrellas of criminal justice Information,” or CJI, and personally identifiable information, known as PII, pursuant to the California Department of Justice Bulletin 20-09-CJIS. The proposal to adopt a resolution rescinding this policy would allow the department to encrypt all radio traffic.

It appears the Berkeley Police Department has been able to fulfil its privacy obligations under current policy, keeping the limited categories of sensitive personal information off public channels, consistent with the Department of Justice bulletin, using the various methods. While we appreciate there may be staffing or resource issues that pose challenges, the solution to what appear to be imminently solvable issues should not be blanket secrecy. Berkeley can choose a path of transparency and be a beacon of sunshine while still meeting its obligations to serve the public and protect truly confidential information.³

We commend the city’s stated commitment to continuing and expanding existing public information practices. Those practices are described in the memo supporting Agenda No. 18, as “publication of crime and use-of-force data on the BPD Transparency Hub, timely notifications to City Council regarding significant incidents, social media updates through established City channels (Twitter/X, Facebook, Instagram, and Nixle), media briefings and access facilitated by the Public Information Officer, and continued access to records through the California Public Records Act.” None of these methods of distributing information is an adequate substitute to what the public and press loses if police radio traffic goes silent: unvarnished communications about the daily, routine calls for police services that can be heard contemporaneously or accessed later via recordings.

We are also troubled that this critical governmental transparency topic is on the consent agenda, depriving the public of the benefit of an opportunity for a full presentation, opportunity for discussion among council members and the police department, and dedicated time for public comment focused on this specific issue. We urge the City Council to move forward in a more transparent way.

Berkeley police must be able to do their jobs while journalists perform theirs, which often entails listening to live radio traffic, reviewing historic recordings, getting tips from community members that choose to stay informed by listening to broadcasts and planning their coverage.

For these reasons, we respectfully request the City Council to withdraw this proposal from consideration. At a minimum, the City Council should delay a vote to rescind existing policy until

³ The California Legislature has repeatedly considered legislation to protect transparency in law enforcement communications. Recent bills include SB 719 in 2023 and SB 1000 of 2022, both by Sen. Josh Becker. While those bills did not become law, leaving it to local jurisdictions to adopt various policies, the legislative proposals underscore how Berkeley can and why it should reject blanket secrecy.

it conducts further research into alternative proposals, including input from key stakeholders, in order to develop a policy that better balances the public interest in access with the stated need for confidentiality.

Thank you for your time and attention. Do not hesitate to contact Ginny LaRoe, of the First Amendment Coalition, at glaroe@firstamendmentcoalition.org; Laura Wenus of Society of Professional Journalists, Northern California Chapter, at spjnorcal@gmail.com; and Annie Sciacca, of the Pacific Media Workers Guild, NewsGuild-CWA Local 39521, at aesciacca@gmail.com.

Respectfully,

Ginny LaRoe
Advocacy Director
FIRST AMENDMENT
COALITION

Annie Sciacca, President
PACIFIC MEDIA WORKERS
GUILD NEWSGUILD-CWA
LOCAL 39521

Laura Wenus, Board Member &
Co-Chair of the Freedom of
Information Committee
SOCIETY OF PROFESSIONAL
JOURNALISTS, NORTHERN
CALIFORNIA CHAPTER

cc:

Berkeley Police Chief Jennifer Louis
Berkeley City Manager Paul Buddenhagen