



Senator Josh Becker, 13th Senate District

SB 1000 – Public Right to Police Radio Communications Act

IN BRIEF

SB 1000 protects the freedom of the press to report and the public's right to know what is going on in their community by granting options to access police communications while simultaneously protecting sensitive identifying information.

BACKGROUND

For 80 years, news outlets, journalists and the public have had access to police radio communications. This access is important for police transparency, accountability, and reporting activity to the public.

However, in October 2020, the California Department of Justice's California Law Enforcement Telecommunications System (CLETS) issued a [memo](#) regarding the requirement for police agencies to protect identifying information via encryption. Compliance with these requirements can be achieved using any of the following:

1. "Encryption of radio traffic pursuant to FBI Security Policy sections."
2. "Establish a policy to restrict dissemination of specific information that would provide for protection of restricted database information and combinations of name and other data. This will protect sensitive information while allowing for radio traffic with the information to provide public safety."

As a result, dozens of California police departments, including much of the Bay Area and San Francisco, have made the poor decision to fully encrypt their communications (#1), barring the press and the public from access without legislative or public comment. CHP has adopted a nuanced approach (#2).

THE PROBLEM

Police departments including those in [San Francisco](#) (12/21), [Palo Alto](#) (1/21), [Mountain View](#) (3/21), [Los Altos](#) (3/21), and [San Diego](#) (1/22) have encrypted their radio channels in the last year in response to the DOJ's bulletin.

Now is not the time to reduce public access to police activity. Access to information regarding police activity is not an "operational change" that should be taken without input from the public, the media, or city, county and state elected officials.

There are 13 Santa Clara County law enforcement agencies and almost all have encrypted radio in the name of protecting sensitive information. This problem is likely to become statewide if corrective action is not taken.

Interestingly, the [California Highway Patrol](#) (CHP) does not plan to encrypt its radio channels. Instead, the agency has adopted a hybrid policy to help protect personal information that may go out over the radio, such as a person's first and last names in combination with their driver's license number. Nuanced approaches like this must be adopted by other police agencies rather than wholesale encryption.

THE SOLUTION

SB 1000 does the following:

- Require by January 1, 2023, that all police communications be accessible to the press and public, so long as they are not undercover operations or confidential information, via:
 - Radio channel scanning equipment;
 - Online website streaming;
 - Purchase of equipment to access encrypted communications (access information must be posted online);
 - Other technology, devices, and policies that provide access while protecting identifying information.

SUPPORT

CNPA (California News Publishers Association), co-sponsor

CBA (California Broadcasters Association), co-sponsor

FOR MORE INFORMATION

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