

May 4, 2023

The Honorable Josh Becker
California State Senate, District 53
1021 O Street, Room 7250
Sacramento, CA 95814

**RE: SB 719 (Becker) Law enforcement agencies: radio communications
City of Palo Alto - Notice of Support**

Dear Senator Becker,

On behalf of the City of Palo Alto, I write in support of your SB 719, which requires a law enforcement agency (LEA) to ensure any non-confidential radio communications are accessible to the public, in real time. Specifically, this bill allows an LEA to choose one of the following options to provide public access to certain radio communications: (a) provide unencrypted radio communications that may be accessed on a scanner or is available on-line, or (b) provide encrypted communications, if requested. The bill does not require access to channels used for confidential information or other communications that would unreasonably jeopardize public safety or the safety of officers if made public.

In October of 2020, the California Department of Justice (DOJ) sent out a bulletin to all law enforcement agencies regarding radio encryption. This bulletin stemmed from an order by the Federal Bureau of Investigations to restrict all criminal justice information (CJI) and personal identifiable information (PII) to authorized personnel. The bulletin stated all transmission of such information must be encrypted and provided agencies two options: 1) move to full encryption of radio communications, or 2) establish a policy to restrict dissemination of CJI and PII, or data elements that meet those definitions.

The City agrees that access to police activity, while still ensuring safeguards for the public's sensitive and confidential information, is important. This information helps local news outlets provide real time updates for major news events such as wildfires and other public safety concerns.

The City of Palo Alto is proud to support your efforts to increase visibility for the public and the media into police calls for service. Palo Alto last year unencrypted the police department's primary dispatch channel thus providing real-time radio access to police communications while protecting personal information. Your bill would encourage other police departments to seek solutions to protect data while also providing public access.

Existing law does not guarantee public access to police radio communications, nor does it prohibit public access to unencrypted police radio channels. Existing law does, however, make it a crime to use any intercepted public safety radio communication to assist in the commission of a crime or evade capture by law enforcement. This bill provides much needed clarity for how the public

may access and utilize police communications to ensure the public's safety, police safety, and confidentiality.

For these reasons, the City of Palo Alto is pleased to support your SB 719.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lydia Kou", with a small horizontal line underneath the name.

Lydia Kou
Mayor
City of Palo Alto