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FREEDOM *FROM* THE PRESS

Encryption keeps police radio traffic from prying ears. Including the media's.

By Julius (Jay) Wachtel. Everyone's heard of the Rose Bowl. Fewer of its host city, Pasadena. And only a relative handful of the *Pasadena Star-News*. One of a chain of small dailies, it's suffered greatly because of the shift of classified ads to places like Craig's List. Like most papers it can't afford to have reporters hanging around police headquarters waiting for something to break. And that's where much of the trouble lies.

In the good old days, when newspapers were what they now pretend to be, reporters were staples at cop shops. Officers and newsies got to know one another on a first-name basis, and as long as reporters made police look good, [they were granted access](#) to a degree that is now unimaginable. But as the unrest of the sixties and seventies caused a critical reassessment of policing and officer conduct became fair game, [the tenor of the police-press relationship changed](#). Then came the defining moment. In *Monroe v. Pape* (1961), the Supreme Court ruled that officers could be individually sued for Constitutional violations. Succeeding decisions extended liability to cities and States. Police departments slammed the brakes on the media, establishing press units and censoring information.

Reporters weren't completely thrown in the dark. After all, they still had scanners to keep up with significant events. Crooks, too. In time technology enabled laptop and smartphone users to listen in on police radio traffic. As the century turned ease of interception had become a significant public safety issue, leading [NIJ to recommend in 2007](#) that agencies consider encryption.

Thanks to technical advances and falling costs [police around the country have started encrypting](#) everything from 911 dispatches to communications between plainclothes units. In Washington, D.C., where encryption began last September, chief Cathy Lanier called the move overdue:

Whereas listeners used to be tied to stationary scanners, new technology has allowed people – and especially criminals – to listen to police communications on a smartphone from anywhere. When a potential criminal can evade capture and learn, 'There's an app for that,' it's time to change our practices.

Chief Lanier offered two examples: a burglary ring that pulled a dozen heists before being captured, and drug dealers who fled when an officer radioed for backup. Advances such as [Scanner 911](#), an app available for 99 cents through the iPhone store, explain why [Burlington \(Vt.\) police chief Mike Schirling](#) followed in D.C.'s footsteps. "The difference is that now with contemporary cellphone and messaging technology, not everybody needs to carry a scanner with them. It has a force-multiplying effect for [criminals] that is pretty significant."

Police reluctance to let the media listen in on encrypted communications can keep reporters from learning of significant events in a timely fashion. According to a Washington, D.C. radio station manager, that [threatens public safety](#):

Members of the media made it clear to the administration that we feel this is a public safety issue. When a radio station like WTOP is able to put over the air in real time what is happening on major downtown streets in the nation's capital, it benefits not only the people who are listening to our radio station, but arguably law enforcement as it tries to take care of the situation.

[A colleague offered a more alarmist message](#): “What if, God forbid, there is another act of terrorism here? It is our job to inform the public in times of emergency.”

In this writer's opinion such fears seem a mite overblown. It came to the tiny *Star-News* to clarify why the media is so upset:

So for over 80 years, police reporters and city editors at newspapers in the San Gabriel Valley have made sure the static-filled, squawk-box sound of police radio transmissions is a constant in the background of our newsrooms. You get used to it, we assure you. And you learn to tune your ears so that the unimportant stuff goes right past you, while the infrequent breaking news – a fire, a major accident, a barricaded felon with a gun – sends you out to cover the story for our readers.

Bottom line: reporters don't want to become mouthpieces of the police. To discharge their important roles as watchers of government they need access to facts while they're fresh, not after they've been digested by a press liaison officer or the chief. But according to the *Star-News* that's precisely what's happening:

After so many decades of actual radio transparency, [police chief] Sanchez now wants media outlets to file Public Record Requests for transcripts of transmissions – transmissions we can't hear, so how do we know what to ask for? How does it help us cover crime in the community when police can legally put a hold on such records for 10 'business' days, and find excuses to do so for much longer?

One might think that the solution is simple: take a newfangled police radio, stick it in the paper's newsroom, and be done with it. But now that governments have gained the upper hand in the information wars they're reluctant to return to the old ways. As in Jacksonville, which [abandoned leasing encrypted radios](#) to the media, the excuse is over “confidentiality.” [That's also the story in Pasadena](#), where a spokesperson said that concerns over “officer safety” delayed a decision about issuing scanners to reporters. “We just had a robbery today on Hill Avenue and Washington Boulevard. The last thing I want to do is to have the helicopter or the officers set up on the street and the criminals have a scanner and know where our officers are.”

Why a *Star News* reporter would fink is hard to figure. Then again, with citizens packing cell phone cameras, more “transparency” is probably the last thing that police chiefs want. Now that police have tasted freedom *from* the press, the luxury of not having reporters buzzing around crime and use-of-force scenes may be so appealing that it may take a lot more than whining to force them to regress.