

TO: Lewiston-Auburn 911 Committee

FROM: Judith Meyer, Executive Editor, Sun Journal

DATE: October 7, 2021

Dear Committee members,

Thank you for your time last week. I really appreciate the opportunity to be heard and am following up on your interest for a formal request from the Sun Journal to be granted access to routine encrypted radio traffic, along with additional information on where and how similar access has been graduated to credentialed media in other parts of this country.

But, first, please allow me to reiterate our position on grounds for access.

The Sun Journal has been continuously publishing in Lewiston for well more than a century, covering all things Lewiston and Auburn, including emergency situations. We believe, and strongly so, that a primary component of our role as this community's newspaper of record is to report on situations that the public must be aware of for their own safety. Without access to police radio transmissions, we are unable to inform the community in real time when serious or even dangerous events are unfolding around them.

The armed standoff at the Auburn Mall in 2012 is a prime example.

In that situation, during the four-plus hours between the initial call and resolution of the incident, the Sun Journal published information on road and bridge closures, detours, warnings to the public to stay away from the area and eyewitness updates from our reporter at the scene. We were first made aware of that call through radio traffic, alerting our staff to the breaking incident and prompting our arrival at the mall. Christopher Williams was parked there for the duration, and was able to report in real time as the episode unfolded.

It was one of our most heavily trafficked day for pageviews on sunjournal.com, to that date, as the public sought information in real time and then used that information to stay clear and remain safe.

The Sun Journal will not post unfounded reports on our website or on social media. All of our reports, as a matter of long practice, are verified and edited before publication. With access to police transmissions we can begin that process of verifying information much more quickly, and it is that accurate information that is the most definite and best defense against baseless and dangerous rumor-fed social media.

The recent apartment fire in Lewiston would have been a good example of that, as we discussed last week, had the Sun Journal been able to get out ahead of the utterly false

social media report that a five-year-old child died in that fire. Once such a false “story” is published on these poisonous scanner pages, it takes on a life of its own and is almost impossible to tamp down in real time. It’s more work for you and it’s more work for us to make these false reports go away.

The public is safer and far better informed when a trained staff of journalists is keeping them informed about events in their communities. With timely and accurate reporting, the public can make determinations on their own about how to best ensure the safety and well-being of themselves and their families. That kind of timely reporting is not possible without access to police transmissions.

As important, at least to me, is the safety of my staff.

I am responsible for assigning dozens of reporters and photographers to breaking news events throughout western and central Maine, and their safety is very important to me. As I mentioned, we accept that our coverage of dangerous situations could – although I pray not – endanger our staff, and knowing what they are about to encounter, through earliest possible police transmissions, offers them the best protection.

And, as you know, without access to transmissions we are going to pester you much more frequently, including at a scene, watch commanders at the station and police chiefs at home, all of which can be a significant irritation and distraction for all of us.

The option, and one that we would implement with care and respect, would be to grant the Sun Journal access to transmissions, as police departments and emergency agencies in other states have done.

Last October, the California Department of Justice directed police agencies to take steps to protect individuals’ personal identifiable information in radio transmissions, and encryption was one way to do that. But, in March, the Palo Alto Police Department asked the state if it could temporarily drop encryption to “allow for greater transparency with the public,” recognizing that the public interest is served through greater transparency of radio transmissions.

In Berkeley, the police department moved to encrypt some of its radio channels to protect individuals’ personal information such as driver’s licenses and social security numbers, but is keeping one channel unencrypted so the public and press can listen to officers’ activities, including addresses for response calls.

[San Francisco is doing the same thing.](#)

Dispatchers in these cities, among others in California, will use certain public channels to send officers to an incident, but after units are dispatched the communications regarding

the incident will be encrypted. At the conclusion of the incident, dispatchers will broadcast the outcome on an unencrypted channel, for example, that an arrest was made.

It's striking a balance, police chiefs there say, to maintain department transparency while also protecting the public. And, of course tactical channels remain encrypted, as they should.

It was mentioned when we met, and I fully accept, that the means adopted in California would be costly and burdensome for Lewiston and Auburn and that is not the request we are making.

Our request falls more along the lines of the agreement between emergency agencies and the Herald & Review in Decatur, Illinois.

There, the police department recognized the Herald & Review as a news organization that is recognized by the courts for purposes of access and security, and granted access to the newspaper to all but its tactical channels. That access is not granted to the general public, but only to the newspaper of record recognized as a professional local journalism organization.

Sun Journal staff are credentialed to take photographs and make audio recordings in our courts, and a number of us – myself included – are credentialed for access to the State House at the same level as State House staff. Credentialing is a process of proving we are employed by a recognized professional news agency and we agree to groundrules for access. In the case of State House access, we also must undergo background checks.

In Fort Collins, Colorado, the Coloradoan has access to some of the police agencies' radio traffic through written agreements. Scanner traffic is used to inform — not solely source — reporting, and those agreements allow real time access.

These arrangements are the result of passage of [House Bill 21-2150](#), a police accountability bill, that includes regulations on radio encryption. [The bill was signed into law in July](#) and requires law enforcement agencies that encrypt all radio communications to create a policy for media access to primary dispatch channels. The policy must outline a process to verify media credentials, set reasonable restrictions on use of the equipment, and outline costs. The media outlets bear the cost of outfitting radio receivers, scanners and other technology, as the Sun Journal is also willing to do.

In Denver, the police department has a [detailed 11-page agreement](#) drafted to allow recognized media organizations access to encrypted channels, which is arguably overkill, and I am certain if we can reach an agreement on terms, that it would be a mutually beneficial agreement that protects privacy and upholds public safety and transparency in equal measure.

Our request for access is being made in the most sincere public interest. I'm not aware that any officers or firefighters in Lewiston or Auburn have ever been endangered or placed in any jeopardy, or that any emergency scene was ever compromised because of what we have gleaned from radio transmissions or from our presence at emergency incidents, a presence that is required to perform our journalistic functions to educate and inform our communities.

We ask that we be permitted to continue monitoring your radio transmissions through encrypted channels under terms we can agree upon, which we will use only to aid in our reporting and to provide the most complete, accurate and timely information possible in the cities we all serve.

Thank you again for your willingness to engage in a discussion, and I look forward to seeing everyone on the 21st.

Judy