



Public Safety Telecommunications Center

Written Testimony Regarding Raised Bill 420

An Act Concerning the Broadcast of Local Police Dispatch Calls

The City of New Britain Public Safety Telecommunications Center provides technology and dispatch services for the New Britain police and fire departments and the New Britain Emergency Medical Services.

The proposal would preclude the use of encrypted channels for routine police dispatch. The City of New Britain Public Safety Telecommunications Center echoes the testimony of the Connecticut Police Chiefs Association and the Connecticut Conference of Municipalities in opposing this bill. In addition, consideration of the following items by the Energy and Technology Committee would be appreciated:

1. Radio frequency use in the United States is governed by the Communications Act of 1934 as amended by the Telecommunications Act of 1996. The Federal Communications Commission (FCC) has for the past seventy-six years been the exclusive grantor of licenses for electromagnetic spectrum in the United States and has been the sole rule maker on the operation of those frequencies. State legislatures have not in the past attempted to impose additional rules regarding the operation of radio frequencies.
2. The ability of persons to listen to police frequencies is not an expressed right under the rules of the FCC. Although the FCC does not require persons with scanners to have a license to listen, it does not preclude its licensees from shutting down repeater operations and therefore limiting scan operations. Moreover, it is fully aware of encryption and has mandated that for all P25 based radio operations wherever encryption is deployed it meet the standard created by the National Institute of Standards.
3. Scanning is simply a form of electronic eavesdropping on radio frequencies. The FCC has continuously sought to eliminate this practice by encouraging digital modulation methods and encryption on portable telephones and other devices.
4. It is only a matter of time when the ability of any person to scan a radio frequency operated by local public safety officials will be rendered impossible. As our public safety agencies move toward broadband wireless service including mission critical voice services the conversions will be IP based and incapable of being scanned. For further information, please look to the FCC's Report entitled, Connecting America: The National Broadband Plan issued to Congress on March 16, 2010.

5. There are significant public policy benefits for encrypting police broadcasts in addition to the very valid items cited by the distinguished police chiefs from West Hartford and Cromwell. The police frequently provide medical assistance as a part of their mission and these actions are covered under HIPPA regulations designed to be private. In addition, the legislature long ago enacted prohibitions against the release of personal information on sexual assault cases. Dispatch operations have a specific responsibility to maintain confidentiality of calls for service from these matters and other witnesses to crimes at least until they have been verified and confirmed. To preclude the police from fostering that level of confidence with witnesses and potential informants is extraordinarily dangerous.

6. The idea that certain calls or even parts of calls would merit encryption and others would not is extraordinarily complex and is not likely to be successfully resolved by regulations developed by persons who would not be subjected to them despite being in the same profession and having the same fundamental mission. Ostensibly, residents in the sixty towns patrolled by the Connecticut State Police would have different rules for the dispatch of their calls than those of the other one hundred and four towns that have local police. That reason alone should be cause for rejection of the bill.

7. While I understand the position of the local newspaper on this matter, the media can obtain information on police calls by other methods. I urge that they study the matter further in conjunction with the local police in their area.

I urge rejection of the legislation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James P. Donnelly". The signature is stylized and cursive.

James P. Donnelly
Director

JPD/jd