

## GANNETT

March 3, 2020

Re: House Bill 20-1282

Dear members of the Transportation & Local Government Committee:

The Fort Collins Coloradoan strongly urges lawmakers to approve HB 20-1282 as open law enforcement radio communication is essential to public safety and the government watchdog mission of news organizations.

While we understand law enforcement concerns of suspects listening to scanner traffic, we believe the parameters set forth in HB 20-1282 allay that concern while also preserving the public's right to monitor the functions of their government.

Not only do radio communications provide a source of leads for news reporting, they are essential to the media's ability to provide the checks and balances on government agencies – a foundation of our democracy.

Relying solely on a department or public information officer to release information is akin to allowing only public relations statements from the agency. How is a news organization to be alerted to a crime in our community – and therefore inform the public about their safety – if we have to rely on police to tell us that the incident occurred, often hours or day after the incident? Law enforcement agencies in some cases do not release any information to the public for days or weeks following incidents involving potential threats to public safety. This also limits our ability to report through photo and video and to interview others about the efforts taken by our local police to protect the public. As the bill states, "The operations of state and local governments should be conducted in an open and transparent fashion."

We agree with the need that some tactical or investigative communications need to be concealed in order for agencies to ensure the safety of the public and to not compromise investigations. This bill does not seek access to those communications. Rather, we are seeking continued access to standard communications about agency activities. All legitimate news organizations have ethics standards in place to ensure the accuracy and fairness of this reporting. At the Coloradoan:

- We do not compromise investigations by reporting tactical information.
- We do not report solely off scanner traffic alone. We verify any sensitive information with law enforcement before reporting it. (Deaths, for example).
- We do not write about nor arrive on scene to every incident
- We cooperate with law enforcement when they ask that we not publish certain information as it would compromise an investigation

When Fort Collins police encrypted their police channels in 2013 and CSU police followed suit in 2015, the agencies granted the Coloradoan access to a limited amount radio traffic through written

agreements and providing radios for the newsroom. These agreements are updated yearly and are essential to our public safety reporting. Without this legislation, however, our access to that traffic could be taken away at anytime at those departments' discretion.

Larimer County Sheriff's Office, Poudre Fire Authority and Colorado State Patrol do not currently encrypt their scanner traffic. Without this legislation, these agencies could encrypt radio communications at anytime without warning, further reducing the public's access to information about their taxpayer-funded emergency response organizations.

And as we've seen recently, not all agencies are collaborative and understand the need to provide media access to ensure public information concerning public safety.

For example, Loveland police quietly encrypted police scanners in October. The department states that information from the scanners can be obtained through a records request – however making such a request is impossible if we don't first know that an incident occurred.

The department already refuses to answer questions about any incident that is shown in their public incident log without a formal records request. In addition, the department has told Coloradoan reporters that only incidents the department is willing to speak about appear in the incident log, it is not a full list of calls or responses. Therefore, an incident could go unreported as the public has no way to find out that it happened in the first place. History has also shown that open records requests for more information on an incident will linger in the department for lengthy periods of time before they are eventually denied.

Furthermore, department leaders wouldn't say why they won't allow media access to scanner traffic when asked if they would provide the local media with a radio, as other agencies have.

As a result, the community is left in the dark while Loveland police is the gatekeeper of not just information about a specific incident, but letting the public know that an incident even occurred.

Scanner encryption also compromises other open records legislation. In April of 2019, HB19-1119 was signed by Gov. Polis and ensures the public access to completed police internal investigations records involving a member of the public. When all IA files were requested, all Northern Colorado agencies denied the request, citing an exemption in the law asking for a "specific, identifiable incident." How are we to know the incidents exist if the departments are allowed to operate in secrecy?

The people of Colorado deserve more than that. We urge you to approve this legislation.

Regrettably, due to limited staffing and the presidential primary election on March 3, we are not able to make these statements in person on March 4. However, that should not reflect poorly on our strong support of this measure.

Sincerely,

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State Rep. Edie Hooton, D-Boulder  
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Dear Rep. Hooton,

Please support House Bill 20-1282 to ensure members of the media have access to police and other emergency response traffic on scanners. Limiting this access is harmful to the general public because it impedes the media in its duty to inform them on news in their communities.

To my knowledge, no police department has successfully shown any evidence that reputable media outlets reports on crime harmed law enforcement officers' safety. Agencies also frequently claim that scanner encryption is necessary to protect victim identity, but media outlets have strict standards limiting the use of such information.

While law enforcement agencies certainly have the right to encrypt their scanner traffic, it's important that members of the media be allowed to report on their activity as public officials who work for the people.

Please support HB 20-1282 to protect the general public's right to know.

Sincerely,

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