

Right to Know Advisory Committee  
Encryption Subcommittee  
July 16, 2012  
Meeting Summary

Convened 9:16 a.m., Room 438, State House, Augusta

Present:  
Rep. Joan Nass  
Linda Pistner  
AJ Higgins  
Joe Brown  
Mike Cianchette  
Mal Leary  
Judy Meyer

Absent:  
Perry Antone

Staff:  
Curtis Bentley  
Peggy Reinsch

Introductions

Linda Pistner called the meeting to order at 9:16 a.m. and asked all the members to introduce themselves.

Suzanne Goucher, Maine Freedom of Information Coalition and Maine Association of Broadcasters

Ms. Goucher reiterated the concerns outlined in the Maine Freedom of Information Coalition's letter of April 27, 2012 to the Maine Right to Know Advisory Committee regarding the possible increase in the encryption of radio transmissions by public safety agencies after switching from the current analogue radio system to a digital radio system. Ms. Goucher said agencies are moving to a digital radio system to improve interagency operability but is concerned the switch will impede the media's ability to obtain public safety information that is readily accessible through the current analogue system. The media uses analogue scanners as its primary tool to monitor public safety matters. Ms. Goucher said there isn't any concern about digitally encrypting those communications that are currently encrypted (hostage negotiations, tactical, SWAT Team transmissions, etc.) but any expansion would cause headaches and foster paranoia and fear in the public. She also stated that it should be fairly easy for law enforcement and interested parties to prepare a mutually agreed upon list of communications that should remain encrypted.

Department of Public Safety, Lt. Col. Raymond Bessette

Lt. Col. Bessette said the state is using an antiquated 1974 radio system that is no longer supported and is difficult to maintain. He stated that the department will not encrypt any transmissions under the digital system that had not always been encrypted under the old system. Lt. Col. Bessette likened the move to digital to switching from AM to FM and stated that the switch itself will not encrypt the information but people will need to purchase a digital scanner to listen in. He said that Region-Net will simultaneously rebroadcast transmissions in analogue so public safety partners not switching to digital can hear transmissions and scanners will be able to pick up those transmissions.

Lt. Col. Bessette said the department does not have any protocols or rules on encryption and each agency has the ability to decide what transmissions should be encrypted. He said no one is asking for additional encryption because each entity wants the ability to know what the others are doing. He did not think the Maine Criminal Justice Academy did any training on encryption, only the operation of the radio system.

Lt. Col. Bassette expressed his opinion that this is really a public policy question of whether the public has a right to access these transmissions.

Office of Information and Technology-Wayne Gallant.

Mr. Gallant said there is a common misunderstanding that digital implies encryption which it does not; encryption would be done on top of going to digital. His office is working on MSCOMNET to consolidate radio communications for all state agencies under one system instead of several different ones. Mr. Gallant said MSCOMNET should be operating in the fall of 2013.

The FCC mandated that states narrowband communications by January 2013.

General Discussion.

Broadcasters' concerns about encryption are not at the state level but at the local level. The media wants to preserve what is available now and is concerned the switch over may result in more transmissions being encrypted. They are not too concerned about police going off-radio after initial call by using cell phones, texts and laptops because the media will have been alerted to the situation by the initial radio broadcast.

While encryption isn't a problem in Maine, the policy discussion needs to happen before it becomes a problem.

Encryption doesn't necessarily protect the transmissions because there is always someone who will be able to put in the effort to access encrypted messages but the general public will be the ones without access.

Next meeting.

The next meeting is scheduled for Wednesday, August 8, 2012 at 9:00 a.m. in room 438, State House, Augusta.

The subcommittee asked staff to search for any federal rules or laws dealing with encryption and to talk with AG criminal attorneys about Maine's law regarding encryption.

The subcommittee also asked the Department of Public Safety to provide a list of subject matter and situations that should be confidential.

The meeting was adjourned at 10:10 a.m.

Respectfully submitted,  
Curtis Bentley and Peggy Reinsch

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