

State of Vermont

House of Representatives



Montpelier, Vermont

House Resolution

H.R. 15

House resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver

Offered by: Representative Klein of East Montpelier

Whereas, it is not uncommon for individuals to own scanning receivers designed to monitor the transmissions of public safety agencies, and

Whereas, via the scanners, Vermonters listen to public safety transmissions for informational and hobbyist purposes, and

Whereas, public safety officials will on occasion broadcast information on scanner frequencies relating to the death or serious injury of an individual, be it due to natural causes or violent action, and

Whereas, although 13 V.S.A. § 3014 prohibits the use of information derived from a scanner transmission for criminal purposes, Vermont law is silent on the use of this information for noncriminal purposes, and

Whereas, the federal Electronic Privacy Act, codified as 18 U.S.C. § 2511, prohibits intercepting electronic transmissions by wire or radio, but the mere repetition of information heard on a scanner for noncriminal purposes does not appear to violate the act, and

Whereas, the officials broadcasting this highly personal information are often announcing its existence for the first time prior to the notification of next of kin, and

Whereas, public safety organizations and the military, in reporting events and incidents involving serious injury or death, typically delay releasing the names of persons injured or deceased until next of kin are duly notified, and

Whereas, an unofficial release of names of injured or deceased individuals, either to family members or the public, based on information derived from a public safety scanner transmission may cause great personal distress for the next of kin who have yet to receive official notification from public safety officials, and

Whereas, the benefit the public derives from the use of police scanners depends on Vermonters upholding their responsibility to use any information so derived in a responsible and respectful way that honors the privacy of persons connected to the information, and

Whereas, a real-life example of the tragic consequences that can flow from third-party release of police scanner-transmitted information occurred on September 21, 2011, when Kendra Downen, residing out of state, learned from an acquaintance's text message of her father's sudden and unexpected death in Middlesex, and

Whereas, the message was triggered when a local merchant, who heard the information on a police scanner, informed his part-time employee of the death, and

Whereas, Kendra's younger sister, Allyson, did learn of the death from their mother, Penny Downen, but Ms. Downen was forced to call her younger daughter with little time to compose herself, and immediately after the phone call, Allyson's phone became filled with text messages, and

Whereas, local dispatchers may eventually be able to encode these types of messages to rescue squads with the use of digital technology, but the date of implementation of these new radio transmission systems is estimated to be at least five years from now, and

Whereas, the next of kin are entitled to learn of tragic news in the most dignified and private manner possible, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges all Vermonters to respect the privacy of families whose relative's injury or death has been ascertained from a public safety scanner transmission and to allow the appropriate public safety officials or an initially contacted family member to convey properly the tragic news in a dignified and thoughtful manner, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to members of the Downen family in Middlesex.

Shapleigh Smith, Jr.
Speaker of the House

Attested to:

Donald G. Milne
Clerk, House of Representatives