

ELECTRONIC COMMUNICATIONS PRIVACY ACT- 1986 **8008**
(No.27 October 2014)

Federal legislation in 1986 enacted the Electronic Communications Privacy Act (ECPA), (http://www.justice.gov/criminal/cybercrime/wiretap2510_2522.htm) which in part states:

§ 2511. Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who--

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when--

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication

This law is applicable to CAL FIRE and its employees. ECC supervisors should be aware of its implications, since most ECCs are equipped with monitor receivers or scanners that are capable of receiving the prohibited frequencies.

The ECPA prohibits the monitoring of the following radio services:

- any encrypted (scrambled) communications, except for those situations in which the listener is authorized to monitor
- paid subsidiary carrier authorization (SCA). These are specialized communications that are modulated within a commercial FM broadcast signal
- mobile telephone (cellular and conventional) and voice paging services
- remote broadcast and studio/transmitter radio links utilized by television and radio broadcast services

Violations of the ECPA are investigated by the FCC and the FBI. Significant monetary fines and / or imprisonment may be imposed as penalties. Both civil and criminal penalties can be imposed.

Generally the prohibited frequencies are:

- Mobile telephone / conventional

152.030-152.240 MHZ
152.510-152.810 MHZ
454.375-454.975 MHZ

Mobile telephone / cellular

- Paging

824.000-851.000 MHZ
869.000-896.000 MHZ

Many varied frequencies- All bands

- Remote broadcast / studio-transmitter links

161.640- 161.670 MHZ
166.250- 170.150 MHZ
455.000- 456.000 MHZ
944.000- 952.000 MHZ

Exceptions of the ECPA are very specific and are outlined in the amendments of the Communications Assistance to Law Enforcement Act ([CALEA](#)), the [USA PATRIOT Act](#) in 2001, the USA PATRIOT reauthorization acts in 2006, and the [FISA](#) Amendments Act of 2008. It would be extremely rare, if at all, that the specific exceptions to the ECPA would be applicable to CAL FIRE.

Any other radio transmissions that are readily accessible to the public may be monitored. These include police, fire, aircraft, business and federal radio systems.

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