



April 9, 2018

Senator Nancy Skinner  
State Capitol, Room 2059  
Sacramento, CA 95814

**RE: SB 1421 (Skinner) — Support**

Dear Senator Nancy Skinner:

The R Street Institute is pleased to support your SB 1421, which will improve law enforcement transparency and accountability by honoring the public's right to know about how agencies handle deadly uses of force and proven, serious misconduct by peace officers.

R Street is a Washington, D.C.-based think tank with offices in Sacramento. We promote pragmatic free-market solutions and criminal-justice reform. We believe that many of the contentious debates over policing issues will be improved with greater transparency so that the public can better oversee the work that our government does. Furthermore, transparency efforts can actually help police officers by ensuring the best officers are promoted and this promotes public trust. This ultimately improves the safety of peace officers.

California is one of the most secretive states in the nation when it comes to officer misconduct and serious and deadly uses of force. Sections 832.7 and 832.8 of the Penal Code make all records relating to police discipline secret, prohibiting public disclosure through the Public Records Act. Courts have interpreted these provisions broadly, blocking access to any records that could be used to assess discipline, including civilian complaints, incident reports, internal investigations, and any other records related to uses of force or misconduct.<sup>1</sup>

California thus deprives the public of basic information on how law enforcement policies are applied, even in critical incidents like officer-involved shootings and when an officer has been found to have committed sexual assault or fabricated evidence. In contrast, many other states recognize that disclosure of records of critical incidents is a basic element of police oversight. Police disciplinary records are generally available to the public in 12 states, including Florida, Ohio, Wisconsin, and Washington, while they are available to the public under limited circumstances in another 15, including Texas, Massachusetts, Louisiana, and Illinois.<sup>2</sup>

SB 1421 will pierce the secrecy that shrouds deadly uses of force and officer misconduct by providing public access to information about deadly or serious uses of force and cases of proven sexual assault against civilians, and proven dishonesty related to the reporting, investigation, and prosecution of crimes, including perjury and destroying evidence. Access to records of how departments handle

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<sup>1</sup> *Copley Press, Inc. v. Superior Court*, 39 Cal. 4th 1272, 1286–87 (2006); see also Wesley Lowery, *How many police shootings a year? No one knows*, WASHINGTON POST (Sept. 8, 2014), available at <http://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>.

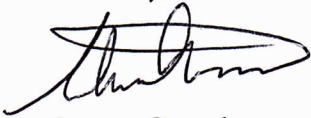
<sup>2</sup> Lewis, R, N Veltman and X Landen, *Is police misconduct a secret in your state?* WNYC News (Oct. 15, 2015), available at <https://www.wnyc.org/story/police-misconduct-records/>.

these critical incidents will allow the public to make informed judgments about whether existing processes and infrastructures are adequate. To account for privacy or safety interests, SB 1421 permits withholding these records if there is a risk or danger to an officer or someone else, or if disclosure would represent an unwarranted invasion of an officer's privacy.

The public has the right to know how police departments deal with officer shootings, beatings, and cases of serious and proven sexual assault and corruption. The public must be able to determine whether they apply standards consistent with community values, and that they hold officers who violate those standards accountable. Communities need to be able to see systems of accountability at work.

California deserves accountable and transparent decision-making by all government officials, particularly those with the state-sanctioned ability to kill civilians. The R Street Institute strongly supports the enactment of SB 1421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Greenhut', with a stylized, elongated flourish extending to the right.

Steven Greenhut  
Western region director  
R Street Institute

cc: Members, Senate Committee on Public Safety