

**SB 1286 (Leno)**  
As Introduced February 19, 2016

# **Increasing Law Enforcement Transparency**

## **FACT SHEET**

### **SUMMARY**

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SB 1286 would improve transparency, accountability and public trust in law enforcement by allowing the public to access information on serious uses of force and cases of misconduct.

### **BACKGROUND**

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Government transparency and accountability are critical cornerstones of our democracy. Unfortunately, California is behind the times when it comes to the transparency of law enforcement records. Our state's "Pitchess statutes" (including Sections 832.7 and 832.8 of the Penal Code) and related case law essentially make all records relating to peace officer misconduct confidential and exempt from disclosure under the Public Records Act.

By contrast, states like Texas, Kentucky, Utah and several others, make peace officer records public when a department determines that an officer has engaged in misconduct. At least 10 other states, including Florida, Ohio, and Washington make such records public regardless of the findings.

A recent poll<sup>1</sup> found that only 30% of Americans believe that law enforcement nationwide is doing a good or excellent job of holding officers accountable for misconduct. That number drops to 10% among African Americans.

Nearly 80% of Californians<sup>2</sup> believe the public should have access to the findings and conclusions of sustained police misconduct.

### **SOLUTION**

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SB 1286 would increase transparency and accountability with the following changes to current law:

- 1) Allow the public to access records related to sustained charges of serious misconduct, including sexual assault, racial or identity profiling, illegal search or seizure, job-related dishonesty, or

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<sup>1</sup> **Pew Research Center: Few Say Police Forces Nationally Do Well in Treating Races Equally.**  
<http://www.people-press.org/2014/08/25/few-say-police-forces-nationally-do-well-in-treating-races-equally/>

<sup>2</sup> **Tulchin Research: California Statewide Survey Finds Voters Have Strong Concerns About Police Discrimination, Profiling, and Use of Force; Strongly Support Reforms.**  
[https://www.aclunc.org/sites/default/files/20150715-acluca\\_police\\_reform\\_poll\\_profiling\\_memo.pdf](https://www.aclunc.org/sites/default/files/20150715-acluca_police_reform_poll_profiling_memo.pdf)

legal violation of the rights of a member of the public, among others

- 2) Allow the public to access records relating to any use of force that causes or is likely to cause death or serious bodily injury.
- 3) Allow people who file complaints alleging misconduct to access basic information related to the complaint, including whether the complaint was sustained, the factual findings, and any discipline imposed or corrective actions taken.
- 4) Allow localities to determine if they would like to hold public hearings and administrative appeals based on allegations of peace officer misconduct.
- 5) Allow law enforcement records to be withheld if a court determines that a privacy interest outweighs the public's interest in disclosure, or if there is a showing of a significant danger to an officer or another person.

- California State Conference of the NAACP
- Conference of California Bar Associations
- Youth Justice Coalition

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## **STATUS**

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Introduced February 19, 2016.

## **SUPPORT**

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- American Civil Liberties Union (sponsor)
- California Newspaper Publishers Association (sponsor)
- California Public Defenders Association