All other public employees

Only in Russia could the government use deadly force and refuse to release any information, right?

Not so fast. Because of a special rule that only applies to police officers in California, their personnel records are completely secret making the bulk of investigations into police shootings and abuses of power inaccessible. Indeed, it is a crime for an agency to disclose police personnel records.

The secrecy afforded police records stands in contrast to the records of all other public employees in the state, to which the public has a settled right to access facts about a complaint made against a public employee, the ensuing investigation and outcome, including whether the employee was disciplined.

Under public pressure this year, even the Legislature, which is subject to a standard different than that imposed by the California Public Records Act, began releasing information about high level employees’ misconduct in response to public pressure.

Today, law enforcement officials stand alone as the most shielded public employees in the state when it comes to public scrutiny. It bears noting that law enforcement officers are also the only public employees empowered to kill citizens based on little more than feeling a sense of danger in an interaction.

California has long required the disclosure of misconduct records, whether of licensees like doctors and lawyers who are regulated by the state, or public employees who work directly for the government. Several public records cases in the 2000s confirmed that public’s right to know about investigations into misconduct exists even when the employee is ultimately exonerated of the charges.

The same rule should apply to police, which is what SB 1421 by Sen. Nancy Skinner (D-Berkeley) would do by requiring the disclosure of police personnel records any time they use serious or deadly force, or if there is a sustained finding of an act of sexual misconduct or dishonesty. The bill is a pivotal reform of the law that has been on the books since the 1970s, and which has contributed to the utter lack of information about citizen deaths at the hands of law enforcement.

The Sacramento Bee recently reported that 172 people died while interacting with police in 2017. But the fact is that unless the Legislature changes the law, there will never be 172 reports released to tell the public, the community, the families what happened. That’s the least that police departments can do when the damage is done and another citizen is dead. That alone warrants the Legislature’s approval of SB 1421.