

Law Enforcement Setup For Failure

In newspapers all across the state last Friday, a survey was released on how local police and sheriff's departments responded to a request for information. The group CalAware was the designer of the survey, with newspaper/television reporters throughout California acting as the "public" while making these requests.

The goal of this survey was not to create a fair and impartial survey of law enforcement agencies responses to Public Records Act request but instead to pave the way for CalAware and their supporters to introduce legislation in Sacramento to move California toward a Sunshine law, like many states throughout the South have already done.

The grading system that was used was totally subjective, allowing for the person who did the survey to interject their personal biases in the process. In a number of cases, agencies responded that the information was available, but yet survey takers deducted anywhere from 10 to 20 points. This was apparently based on the perceived attitude of the employee the survey taker was dealing with. Not based on that the information was available and was provided to the survey taker.

The survey also deducted points from police agencies for not acting as "one stop shops" for information seekers. First there is no requirement in the law for this but CalAware feels there should be, so agencies were given deductions for this also. Secondly, law enforcement records bureau keep police reports, not conflict of interest statements and salary schedules for city employees. Much of this information is available on most cities or counties web pages, but when the survey takers were directed to these locations, agencies were once again down graded.

Last year CLEARs made an attempt to work with CalAware, after they had done this same audit on state agencies, with similar results. CalAware immediately introduced legislation on the subject, without trying to work with law enforcement at all. CLEARs offered to work with them on creating a bill that could meet everyone's needs but they were not interested. They instead choose to pursue their own agenda, which predictably failed in the legislature, mainly due to the combined opposition of law enforcement groups from across the state.

In conclusion, remember that the Public Records Act does state that the purpose someone wants the information is not required and the request can be made both verbally or in writing. Agencies can ask the requestor to fill out a form but again remember that the law does not require it. If you or your agency require any assistance with the provisions of the Public Records Act, please look at the CLEARs Web Page, there are a number of resources there, including a tri-fold information pamphlet that deals with the release of information under the Public Records Act.

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