



July 29, 2020

Hon. Reginald Byron Jones-Sawyer Sr.  
Chair, Public Safety Committee  
California State Assembly  
Legislative Office Building  
1020 N. Street, Rm 111  
Sacramento, CA 95814

**RE: SB 776 (SUPPORT)**

Hon. Jones-Sawyer Sr:

I write on behalf of the First Amendment Coalition (FAC) to express this organization's strong support of Senate Bill 776 (Skinner), which would provide badly needed changes to SB 1421, California's landmark police transparency bill that took effect January 1, 2019. SB 1421 was a game changer for public access to records of police misconduct and use of force. Unfortunately, too many law enforcement agencies have dragged their heels and continue to block access to these important records. The additional reforms in SB 776 would go a long way toward removing the roadblocks that have been erected in response to the original SB 1421.

FAC is a nonprofit and nonpartisan public interest organization headquartered in San Rafael, California, dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs. Our members are journalists, academics, activists and others who share a passion for open government as a means to ensuring the proper functioning of our democracy. For 30 years, FAC has helped journalists and ordinary citizens to gain access to their government; our group was instrumental in the drafting and passage of Proposition 59 in 2004, which amended the California Constitution to include a right of access to government records and meetings.

Public access to records of police misconduct and use of force will serve not only the public, who will be able to assess whether police departments are exercising their extraordinary authority in a manner consistent with the individual rights guaranteed to all citizens under United States and California Constitutions. It will also enhance public confidence in policing by lifting the veil of secrecy that allows resentment, ill-will and conspiracy theories to thrive.

FAC has been heavily engaged in litigation across the state in an effort to gain access to the documents made accessible by SB 1421. This litigation has proved costly and is necessitated by the attitude of too many agencies to fight tooth and nail to block public access. The State's own Department of Justice is but one example of this problem. FAC, along with public radio station KQED, has been fighting the DOJ for more than a year to obtain access to records. See, *Becerra v. Superior Court*, 44 Cal App. 5th 897 (2020). Now, more than six months after the opinion was published, FAC and KQED are still fighting in court with the DOJ. SB 776 would

make the process of obtaining the records easier and less costly. In fact, it would provide incentives to the police agencies to set aside the stall tactics and release records expeditiously.

The problems faced by KQED and FAC are hardly unique. Litigation involving the Sacramento County Sheriff, the Los Angeles County Sheriff, the San Jose Police Department, the CHP (another lawsuit KQED was forced to file) provide more examples. Cases are also pending against the City of Richmond as well as others. Additional information about these lawsuits can be provided upon request. It is hard to think of any reform legislation that has met more determined resistance than SB 1421. SB 776 is needed now to help level the playing field.

California went a long way toward greater police transparency with SB 1421, but more is needed. SB 776 would bring more and much-needed transparency to an area where the public interest scarcely could be higher.

Sincerely,



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