



March 26, 2007

Honorable Gloria Romero, Member
California State Senate
State Capitol, Room 313
Sacramento, CA 95814

RE: SB 964 – OPPOSE

Dear Senator Romero:

The Riverside Sheriffs' Association, which represents over 2,800 rank and file Deputy Sheriffs, Deputy Probation Officers, Deputy Correctional Officers, District Attorney Investigators, and Deputy Coroners – the entire law enforcement team in Riverside County, must regretfully oppose your bill, SB 964, relating to peace officer personnel records.

Although SB 964 remains, as yet, a spot bill, we understand this measure will be amended to require public disclosure of a peace officer's identity in certain personnel incidents, (i.e. an officer-involved shooting.)

The League sees such a proposal as a serious violation of the officer's personal privacy rights which would create a potential and unnecessary risk of harm, both to the officer involved, and to that officer's family.

Targeting the identity of a peace officer for public disclosure is unreasonably discriminatory in that such disclosure applies to no other class of public employees. Not only does such a policy contravene well established policies to protect the privacy of peace officers set forth in the Penal Code, but it contravenes long standing public policies to protect personnel actions against any public employees set forth in the California Public Records Act as well.

We understand your concern arises out of a decision by the Los Angeles Police Commission to withhold the identity of officers in officer-involved incidents – a change from the previous policy. This policy change was well founded. In addition to the very questionable legality of disclosing the identity of the officer, Commissioners, the Department, and the Union realized that in today's highly informed technological society, protecting an officer's identity and safety (and their home and family) greatly outweighs

the benefit of public disclosure. I'm aware that you would not wish to feel responsible if one of our officers who was the victim of retaliation because their personal identity has been disclosed pursuant to your legislation.

There are other well founded reasons for non-disclosure. The only benefit of disclosing the name of the officer is so that the officer can be identified as a potential "rogue cop." Yet, any serious incident involving an officer triggers at least three or more levels of factual scrutiny and review. First, by the Department's Internal Affairs Unit and the Chief who can take immediate administrative action, when warranted. Second, by the Police Commission, that provides civilian oversight of the Department's decision. Finally, by the District Attorney's Office, to investigate whether the issue should be pursued criminally. Add to that oversight from other entities, such as the Christopher Commission, and it's painfully obvious that no "rogue cop" can flourish and continue their employment in the Department. This intensive review process nullifies any need to disclose the officer's identity.

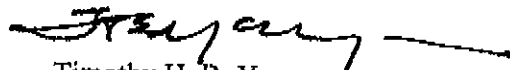
Finally, public disclosure of an officer's identity will prejudice the officer's right to a fair trial in the event circumstances so warrant. We all understand the "tabloid" nature of the media, and incidents involving officers often make lead stories, not just regionally, but nationally as well. Unlike politicians who can hold a press conference to address allegations and rebut charges, neither the officer nor the Department, has the ability to "tell their side of the story" to the media. Thus, misleading facts and allegations, oftentimes smearing these officer's good name, go unanswered and un-rebutted and are often accepted as truth in the public's mind. Fair? Hardly, but yet your proposal suggests that this would be an appropriate law for the State of California.

In closing, we respectfully urge that you reconsider this issue. Police officers have a difficult enough job as it is. Invading their privacy and enabling the media to drag their names through the mud serves little public purpose except to forever prejudice and brand them in the eyes of their own community. We have due process of law for all of our citizens. We expect and demand the same for our officers.

Very truly yours,



Pat McNamara
President



Timothy H. B. Yaryan
Legislative Counsel and Advocate

cc: RSA