

# *Increase Public Trust.*

# EXPAND TRANSPARENCY

Police misconduct records provide the public with **crucial information** for evaluating the **efficacy and ethics** of the officers and departments who have sworn to protect them. Where these records are kept secret, police violence goes unchecked, accountability is undermined, and reform is stalled. State legislators can act now to open this essential information to the public, hold officers accountable, and **help rebuild public trust in law enforcement.**

A 2019 study of exonerations nationwide found that

## 54% OF EXONEREES WERE WRONGFULLY CONVICTED DUE TO POLICE MISCONDUCT.

Failing to release records of past officer misconduct puts innocent people at risk of wrongful conviction and other grave injustices.

National Registry of Exonerations 2020

## WE NEED A BILL THAT WILL...

### **Expand the definition of misconduct to include**

dishonesty; discrimination; unwarranted stops; sexual assault; unwarranted use of force

### **Broaden the types of records of available to include**

all civilian complaints, including unsubstantiated and exonerated; outcome of disciplinary proceedings; opinion or reason supporting disciplinary decision

### **Mandate access to records**

without allowance for police discretion or requirement of a judicial order

### **Provide retroactive access**

to records created before the enactment of the transparency legislation

### **Provide coverage for attorney's fees**

so all victims can afford to obtain counsel.

*The Truth About***POLICE TRANSPARENCY****MYTH**

*Civilians don't need access to unsubstantiated complaints.*

**FACT**

An unsubstantiated complaint doesn't mean the incident didn't happen or that the officer was exonerated. It means that there was not enough evidence to prove or disprove it. Moreover, **unsubstantiated and exonerated complaints** can **reveal weaknesses** in internal affairs procedures, **evaluate** if departments are conducting fair investigations, and **help identify** officers who repeatedly make civilians feel unsafe or disrespected, even if those actions do not rise to the level of a rule violation.

**MYTH**

*Civilian complaints can unjustly damage an officer's reputation.*

**FACT**

While reputational concerns are understandable, these can be mitigated by the fact that other information will be released including the fact that the officer was cleared by internal affairs and the reasons why the person was cleared. Moreover, the **risk to public safety** that is posed by not releasing this information certainly **outweighs any personal reputational concerns** an officer may have.

**MYTH**

*Releasing internal police records poses an issue of privacy and threatens due process.*

**FACT**

Law enforcement officers do not have a federal legal right to privacy or due process in most police misconduct records. While there may be **information**, like medical information, that should be legally protected from disclosure, it **can be redacted**. Moreover, any government interest in withholding police misconduct records is trumped by the **benefits of disclosure**.

**MYTH**

*Police department policies and disciplinary procedures are already publicly available, making individual records of misconduct unnecessary.*

**FACT**

Even if their written policies are not objectionable, **a department's response to an incident of misconduct can expose its true customs**. An officer that receives little or no discipline for unconstitutional conduct likely works in a department that is at the very least indifferent to harmful policing practices. It can also provide insight into the quality of departmental training. When offending officers are regularly assigned additional training as corrective action but never improve their behavior, there is reasonable concern that the training is ineffective.