

CITY OF SACRAMENTO

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DEPARTMENT OF POLICE

HALL OF JUSTICE
813 - 8TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

29 March 1985

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: REQUEST FOR NON-SUPPORT OF ASSEMBLY BILL 1144

BACKGROUND

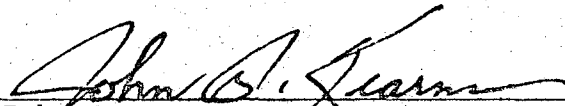
Recently, Assembly Bill 1144 was introduced. This bill relates to police surveillance files and attempts to open the files to public inspection.

If enacted this bill would add Section 625.4 to the Government Code. This new section would state in part, "any investigatory files compiled by any state or local law enforcement agency that are derived from surveillance activities, or that are used to compile data or other information when the prospect for the use thereof in an enforcement proceeding is not concrete and definite, are public records".

This is another attempt to weaken the ability of law enforcement to conduct long term criminal investigations. At any time during an investigation the files could be inspected and the entire investigation could be made public. This right of discovery could effectively jeopardize every police intelligence investigation.

RECOMMENDATION

I strongly urge that you make every effort to see that this legislation is defeated. The task of enforcing the law is difficult enough without laws such as this, which are designed to sabotage law enforcement efforts.


John P. Kearns,
CHIEF OF POLICE

cc
Assemblyman Lloyd Connelly
Assemblyman Phillip Isenburg
Attachment
JPK:al

REF: 3-90

Introduced by Assembly Member Maxine Waters

February 28, 1985

An act to add Section 6254.9 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1144, as introduced, M. Waters. Police surveillance files.

The California Public Records Act generally requires all state and local agencies, as defined, to make available for public inspection public records, as defined, during regular office hours. The act exempts from the requirement of disclosure various categories of records, including records of investigatory files of state and local law enforcement agencies. Existing case law interprets these provisions as making investigatory files exempt from disclosure only when the prospect of enforcement proceedings becomes concrete and definite.

This bill would provide specifically that, notwithstanding the exemption from disclosure authorized by law, any investigatory files compiled by any state or local law enforcement agency that are derived from surveillance activities or that are used to compile data or other information when the prospect for the use thereof in an enforcement proceeding is not concrete and definite, are public records.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

AB 1144

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The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.9 is added to the
- 2 Government Code, to read:
- 3 6254.9. Notwithstanding subdivision (f) of Section
- 4 6254, any investigatory files compiled by any state or local
- 5 law enforcement agency that are derived from
- 6 surveillance activities or that are used to compile data or
- 7 other information when the prospect for the use thereof
- 8 in an enforcement proceeding is not concrete and
- 9 definite, are public records.

MAN