



California POLICE CHIEFS Association

Tom Manheim

RULES COMMITTEE: 01-07-09
ITEM: 12f
(1 of 3)

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OCT 10 2:00 PM '08
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October 8, 2008

The Honorable Chuck Reed
Mayor of San Jose
San Jose City Hall
200 E. Santa Clara St., 18th Floor
San Jose, CA 95113

RE: Sunshine Reform Task Force (SRTF)

Dear Mayor Reed and Members of the San Jose City Council:

I am writing to express the serious concerns of the members of the California Police Chiefs Association regarding the release of public records and associated Sunshine Reform Task Force (SRTF) recommendations. As these recommendations are scheduled for discussion on October 14, 2008, I felt it important to voice our opposition quickly and without equivocation.

The current guidelines contained in the State statute (CPRA §6254 (f) and § 6255) provide for general exemptions to disclosure based on the discretion of a law enforcement agency. These statutes were enacted to ensure public safeguards and to help prevent the politicizing of legitimate law enforcement functions. We are concerned with the unintended and detrimental consequences that will most assuredly result from the release of law enforcement information, should the recommendations of the SRTF be approved.

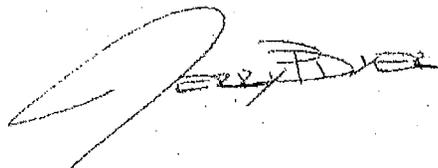
I firmly believe in agency transparency and accountability and would not tolerate attempts to hide information or to deceive the public. I also believe that trust comprises a critical component of law enforcement's ability to be effective. The language proposed by the SRTF, however, could lead to the release of any and all information pertaining to any ongoing police investigations. We are concerned that during the investigation of the next high-profile case in San Jose this sharing of information will have a severe negative impact on the investigation. This is far too great a cost. The release of identities or other information contained in police reports, or within investigations, would adversely impact victims, witnesses and suspects of reported crimes, irretrievably damage investigations, and critically hinder the effectiveness of law enforcement agencies and personnel. Worse still is that information shared too broadly during a critical investigation will almost surely leak out, thus jeopardizing the very safety of those whom we are trying to protect from criminal harm.

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While we must certainly strike a balance between transparency and confidentiality, the current SRTF recommendations will place the city of San Jose and its residents in jeopardy by removing the ability of law enforcement to protect individual privacy and to employ appropriate and effective investigative techniques.

We urge you to support the San Jose Police Department's position on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry P. Dyer". The signature is stylized with a large, sweeping initial "J" and "P".

Jerry P. Dyer
President, California Police Chiefs Association

JPD/dm



RECEIVED
2008 NOV -7 PM 2:01
CITY MANAGER'S OFFICE

October 14, 2008

The Honorable Chuck Reed
Mayor of San Jose
San Jose City Hall
200 East Santa Clara Street
San Jose, California 95113

Dear Mayor Reed and Members of the San Jose City Council:

The purpose of this correspondence is to express the concerns of Support Network for Battered Women regarding the release of public records and associated recommendations made by the Sunshine Reform Task Force (SRTF) scheduled for discussion today, October 14, 2008.

The current guidelines contained in the State statute (CPRA §6254 (f) and § 6255) provide for general exemptions to disclosure based on the discretion of a law enforcement agency. We are concerned with the unintended and unrecoverable consequences that could result from the release of law enforcement information, should the recommendations of the SRTF be approved. Release of certain information from police reports could impact victims, witnesses and suspects of reported crimes.

The language proposed by the SRTF could lead to all contents within a police investigation being releasable. We believe this action, if approved, will also impact all law enforcement agencies who work with members of the SJPD to make our cities safer places to live.

The SJPD currently complies with release of information pertaining to complaints (calls for service) and investigations conducted by SJPD. The SRTF recommendations will place the City and its residents at risk and in jeopardy, by taking away the ability of law enforcement to protect individual privacy rights and investigative techniques.

We urge you to support the San Jose Police Department's position on this very critical issue to all law enforcement agencies in California.

Sincerely,

A handwritten signature in cursive script that reads 'Chata Alfaro'.

Chata Alfaro
Executive Director



Santa Clara County
Police Chiefs' Association

October 10, 2008

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Mayor Chuck Reed
San Jose City Hall
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

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POLICE DEPARTMENT

SANTA CLARA COUNTY
DISTRICT ATTORNEY

SANTA CLARA
POLICE DEPARTMENT

SUNNYVALE
DEPARTMENT OF
PUBLIC SAFETY

Dear Mayor Reed and Members of the San Jose City Council:

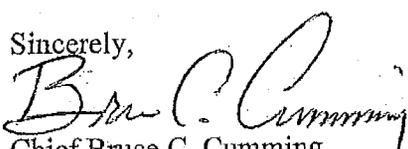
The purpose of this correspondence is to express the concerns of members of the Santa Clara County Police Chiefs' Association regarding the release of public records and associated recommendations proposed by the Sunshine Reform Task Force (SRTF) and scheduled for discussion on October 14, 2008.

The current guidelines contained in the California Public Records Act by State statute (Government Code §6254 (f) and §6255) provide for general exemptions to disclosure based on the discretion of a law enforcement agency. The Chiefs' Association believes those guidelines are both fair and proper. Moreover, the Association is concerned with the unintended and unrecoverable consequences that could result from the release of law enforcement information, should the recommendations of the SRTF be approved. Release of certain information from police reports could place some victims and witnesses in danger and prevent victims and witnesses of crimes from cooperating with authorities. Additionally, release of critical information could interfere with the prosecution of suspects of reported crimes.

The language proposed by the SRTF could lead to the release of all contents within a police investigation. We believe this action, if approved, will impact all law enforcement agencies who work with members of the San Jose Police Department (SJPD) to make our cities safer places to live.

The SJPD currently complies with release of information pertaining to complaints (calls for service) and investigations conducted by SJPD. The SRTF recommendations will place the City and its residents at risk and in jeopardy, by taking away the ability of law enforcement to protect individual privacy rights and critical investigative techniques.

We urge you to support the San Jose Police Department's position on this critical issue and ask that you support the current method of release which is fair, proper and lawful.

Sincerely,

Chief Bruce C. Cumming
Morgan Hill Police Department
President, Santa Clara County Police Chiefs' Association