

To: Public Records Subcommittee Members
From: Bert Robinson, chair
Re: Oct. 15 subcommittee meeting

Here is a quick guide to the law enforcement records material before us during the meeting of Oct. 15.

1.) **Law enforcement reports.** Lisa's reworking of the language on law enforcement reports addresses the modifications made at the meeting. Specifically:

Sec. 5.1.1.010 C. incorporates Bob Brownstein's proposal that reports can be withheld if they concern sex crimes or domestic violence (those are the crimes encompassed in the listed penal code sections).

Sec. 5.1.1.020 B. and C. adds information that would reveal "secret investigatory techniques" to the list of information that can be redacted from law enforcement reports.

Sec 5.1.1.030 E. reflects the effort to protect those subjected to an unsubstantiated allegation of wrongdoing. The challenge here was crafting the language in a way that it did not have a broader effect than we intended.

Sec. 5.1.1.030 H. protects the name of adult witnesses, and includes language that attempts to assure those witnesses that their identities will be kept confidential unless they choose to disclose.

2.) **Investigatory records.** The memo from Ed Davis includes one critical piece of information that the subcommittee requested, and I wanted to make sure it's not lost in the surrounding verbiage: In paragraph four, he offers an overview of the types of material that can be found in investigative files.

Otherwise, the gist of his proposal is that we ought to add a broader "privacy exemption" for the material in investigative files if we choose to make it public. He does include some limiting language, specifically aimed at defining what a "warranted" invasion of personal privacy might include, per our discussion at the task force meeting. This language is at the top of page 3 of his memo.

Although Ed does not propose it specifically, his approach poses another question we should consider at our Monday meeting:

Initially, we attempted to craft language that would handle police records and investigatory reports together. As we are all aware, at the task force meeting we excised the investigatory portion of our proposal.

At this point, we could either modify our proposal and seek to amend the investigatory language back in, or we could craft a separate section on investigatory records. If we can agree on the approach on Monday, we might also discuss whether it is possible to establish a schedule that would bring the investigatory records issue back to the full task force on November 1. (Frankly, I'm not optimistic, but it doesn't hurt to try.)