

LAW, JUSTICE, AND ETHICS

Resolution LJE-18-14

A RESOLUTION CALLING FOR GREATER PUBLIC ACCESS TO INFORMATION REGARDING LAW ENFORCEMENT PRACTICES

WHEREAS, there has recently been a large amount of scrutiny from the public on law enforcement agencies across the nation that have not followed proper procedures during investigations and arrests;

WHEREAS, law enforcement agencies frequently receive requests from media, lawyers, community groups and members of the public for policies and procedures;

WHEREAS, existing federal and state laws allow for members of the public to request department training, policies and procedures, but there are currently wide gaps in compliance, and community groups and individuals have voiced frustration that these documents are not all currently available online;

WHEREAS, the Freedom of Information Act (FOIA), which many state freedom of information laws base their tenets, currently requires that government records shall be disclosed to the public, upon request, unless there is a qualifying exemption not to do so;

WHEREAS, many state freedom of information laws allow enforcement agencies to create their own regulations, including policies and procedures, training and department general orders, which leads to different law enforcement agencies developing their own models and best practices;

WHEREAS, however, some state freedom of information laws does not require the actual substantive content of these regulations to be made publicly available in a searchable format and kept current online, which makes it inconvenient for some members of the public to access and compare these different models and practices;

WHEREAS, some state freedom of information laws does not provide a member of the public with any way to determine which organization has sought the information, or in what format the information is stored, or even what specific language should be used to ensure that request pursuant to state freedom of information law actually get fulfilled; and

WHEREAS, there should be a uniform standard for state and local agencies that requires state and local law enforcement agencies to post and maintain current police policies and procedures on their public websites and for the public to gain access to footage or data possessed by law enforcement.

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THEREFORE IT BE RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls for a uniform standard for state and local freedom of information act compliance by requiring law enforcement agencies and other state and local law enforcement agencies to post and maintain current police policies and procedures on their public websites;

BE IT FURTHER RESOLVED, that this resolution will save each agency costs and labor associated with responding to individual requests for this information, create better accessibility to law enforcement information, assist in educating the public about law enforcement department policies and procedures, and allow statewide and local law enforcement agencies to promote the best policies and greater accountability in law enforcement, thereby providing transparency and accessibility while enhancing relations between these agencies and the people they protect;

BE IT FURTHER RESOLVED, that the NBCSL urges each state and municipality to pass legislation that sets uniform standards and provides better access to disclosable information including camera footage; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Senator Steven Bradford (CA), Representative Gilda Cobb-Hunter (SC), Senator Anastasia Pittman (OK), Delegate Angela Angel (MD)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 2, 2017

Ratification is certified by: Representative Gregory W. Porter (IN), President