

June 16th, 2020

Representative Jerrold Nadler
Chairman, House Judiciary Committee
2132 Rayburn Office Building
Washington, DC 20510

Representative Karen Bass
House Judiciary Committee
2059 Rayburn House Office Building
Washington, DC 20510

Re: Justice in Policing Act of 2020

Dear Chairman Nadler and Representative Bass,

As organizations committed to press freedom and an open, accountable government, we are concerned by a provision in H.R. 7120, the Justice in Policing Act of 2020. We are troubled by language in the bill that would exempt records under the Freedom of Information Act (FOIA) or otherwise unnecessarily restrict access to records. Information on law enforcement agencies' compliance with requirements to eliminate racial profiling is vital to the public interest, including information on public officials. We ask you to remove Section 343 from the bill.

Section 343 under Title III, "Programs to Eliminate Racial Profiling by State and Local Law Enforcement Agencies," would limit the public's ability to learn the names or identifying information about officers who engage in racial profiling under FOIA. Policies that shield officials from transparency and oversight will only hinder police reform. The Committee recognized the importance of public access to such data in its inclusion of a national misconduct registry and use of force reporting in H.R. 7120, and it would detract from those important steps for public access to include a new FOIA exemption elsewhere in the bill. Additionally, the Justice in Policing Act requires the Attorney General to review and report any "[State] rule or procedure [that] raises material investigatory issues that could impair or hinder a prompt and thorough investigation of possible misconduct" on the local level.¹ Shielding the names of officers from disclosure at the federal level undercuts the bill's own proposed reforms. If needed, FOIA already contains exemptions that balance personal information with the public interest.²

We look forward to working with your committee on strengthening the Justice in Policing Act of 2020. Thank you for your attention to this matter. For more information, please contact Freddy Martinez at fmartinez@openthegovernment.org.

Sincerely,

¹ See: H.R. 7120, Section 366 (b) (1) (B)

² See: 5 USC 552 (b) (7) (C) and 5 USC 552 (b) (6)

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American-Arab Anti-Discrimination Committee (ADC)
American Booksellers for Free Expression
American Civil Liberties Union (ACLU)
Centro de los Derechos del Migrante, Inc.
Citizens for Responsible and Ethics in Washington (CREW)
Defending Rights & Dissent
Demand Progress
Electronic Frontier Foundation
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National Council of Churches
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