

## Need for transparency in policing

The public should be informed of the names of officers who are involved in the use of deadly force. The recent shooting of Michael Brown in Ferguson, Mo., has raised the question of whether police departments should be able to keep this information secret. It is an issue that has arisen across the country, including in Southern California.

The answer is clear: absent compelling, extraordinary circumstances that justify secrecy, there should be disclosure of the names of police officers who are involved in such incidents or who are accused of using excessive force.

In California, until 2006, this information was routinely revealed. There were no apparent problems with doing so. However, a 2006 California Supreme Court decision about privacy of information about police officers led to a change in policy and to this information being routinely withheld. In June 2014, the California Supreme Court clarified the law in this area and held 6-1 that such information must be made available unless there are specific, important reasons for secrecy.

In *Long Beach Police Officers Association v. City of Long Beach*, the court, in an opinion by Justice Joyce Kennard, interpreted the California Public Records Act as creating a right to this information and held that this outweighs the privacy interests of the officers.

The court explained that the names of officers are a matter of public record and concluded that there is a strong presumption that the public has a right to know the identities of officers involved in shooting incidents.

Although the justices indicated there may be circumstances that would permit keeping the information secret, particularly if an officer's safety might be jeopardized, departments cannot have a blanket policy to withhold the officers' identities in the aftermath of shootings.

This is exactly right. Police officers are public servants. Information about activities of police officers, including their identity, is crucial to ensure accountability. If an officer is involved in a shooting and has an exemplary record, the public can be reassured that it was not the actions of a rogue officer with a long disciplinary record.

Conversely, though, the public has every right to be concerned and to demand action if it is an officer who has been involved in many similar instances or has frequently been accused of using excessive force or has many serious disciplinary infractions. Knowing the latter, can lead to public pressure to change assignment policies and disciplinary processes.

Departments across the country routinely disclose such information. In New York City, for example, it took only two days for the police department to reveal the name of the officer who allegedly killed a suspect in July through the use of a chokehold.

It is important to note that under current law, there is no First Amendment right to insist that the names of such officers be made public. Unfortunately, the Supreme Court consistently has rejected claims that there is a constitutional right of access to government records or access to government meetings. The court has not gone nearly far enough in recognizing the importance of the people's right to know about their government and its activities.

The right to information thus comes not from the Constitution, but rather from federal and state laws.

At the federal level, the Freedom of Information Act gives individuals the right to all information possessed by the federal government unless it is in one of nine categories of exemptions. A federal open meeting law creates a general right of people to attend meetings of federal agencies and bodies.

In California, the Public Records Act and the Brown Act create similar rights. In fact, every state has some form of both a freedom of information act and an open meetings law.

Apart from these statutory obligations for openness, governments on their own should adopt policies to ensure that there is disclosure of the identity of officers involved in shootings. It is simply good government.

This right, however, like all rights, is not absolute. There can be exceptional circumstances where there is a compelling need for secrecy. Imagine that the officer was working as part of an undercover operation and that disclosing his or her identity could endanger the safety of other officers. But only in such truly extraordinary and important circumstances is secrecy warranted.

The officer and his or her family may need protection, but a police department can provide this without keeping the public from having this essential information. Police officers are given the enormous power of being able to use deadly force.

To keep their identities secret risks further tragedies and undermines a basic right people have to know about their government and what it is doing.

Erwin Chemerinsky is dean of the UCI School of Law.

## EDITORIAL

# Unwarranted fair fears

New bill likely won't lead to privatization of O.C. icon, despite concerns from community members.

A seemingly innocuous bill aimed at giving county fairs more flexibility when working with private companies has riled some locals, who worry that it could be the beginning of a renewed campaign to privatize the fair grounds.

"Our local fairgrounds could become private property if bill AB2490 is signed into law," the Orange County Fair Preservation Society, a group that had been involved in the lawsuits over the original plans to privatize the site, wrote on their website. "The public, you and me, lose when fairgrounds go private because money is the driving force for the private owners."

But Assembly Bill 2490 doesn't seem to do any of that. According to the Register, it "would ease some purchasing requirements and would allow joint powers agreements between governmental and private parties to be approved administratively."

Further, the Register reported, "While easing those restrictions, it would add an oversight power by giving the governor authority to remove fair board directors for cause."

So fears of privatization seem misplaced. But even if the bill were the slippery slope to privatization of the iconic 150-acre fairgrounds, why is that such a bad thing? If the land was sold to the highest bidder, a posi-

tion these pages have held since then-Gov. Arnold Schwarzenegger floated the idea in 2009, the fairgrounds in Orange County would see its highest and best use, driven purely by market demand.

The Preservation Society has argued that privatization would mean the end of local control, that community groups would be driven out and prices would be higher.

But the idea that the market, which offers the greatest economic benefit for the most people, is incapable of maintaining the fairgrounds in an equitable way seems dubious at best. Private businesses are out to make money; there is no doubt about that. But they do so by offering services that consumers want. A fairground responsive to demand would be of benefit not just to fairgoers, but concertgoers, car enthusiasts, swap-meet shoppers and others.

Ultimately, while the fairground would likely be better utilized in private hands, it seems outside the realm of government to be in the fair business at the taxpayer's expense. Government continues to overstretch itself, and the taxpayer's wallet, to maintain areas outside its core functions.

AB2490 doesn't appear to pave the way for privatization. However, Orange County would be better served by a fairgrounds open to the market, and outside the grip of ineffectual government.

MICHAEL RAMIREZ / CREATORS.COM



## LETTERS TO THE EDITOR

### Ferguson wrapped in falsehoods

As the old saying goes, "A falsehood circles the globe before the truth even gets out of bed."

Let's see how that plays regarding the "unrest" in Ferguson, Mo. When the story took flight, a kindly lad was strolling innocently down a quiet street when a rabid, racist cop set upon him, terrified him and then hunted him down as he tried to flee for his life. The community was outraged, and with every good reason, manifesting its indignation by marching out of local stores. But then some further details began to percolate. The tiny youth turned out to be a late teen, standing over 6'4" and built like an NFL interior lineman. That is not a crime, mind you, let alone a felony - but, the strong-arm robbery he had only just been videotaped allegedly committing was.

Still, even a thug does not deserve to be murdered in cold blood as he flees for his life, a danger to no one. And so, the community doubled down in his defense.

The bargain-shopping continued apace, for there were still those impartial, unbiased witnesses to him being, allegedly, needlessly and savagely executed from behind. No justice, no peace.

Finally, comes now, "Autopsy reveals details of shooting" [Front page, Aug. 18], blaring that an autopsy has confirmed the horrors - the Gentle Giant "was shot at least six times."

The Feds are now on the case, too, because of the case's "extraordinary circumstances." Oddly, though, it is not until seven paragraphs later that it is mentioned that

all the bullets were fired from the front. That strikes me as rather important.

If the eyewitnesses are to continue to be seen as credible or reliable, that means the "gentle giant" was fleeing for his life, in stark terror, by running backwards.

A bit curious, eh, Watson?  
**D.Q. Rosenow**  
Fullerton

### EXCESSIVE FOCUS ON CELEBS

Robin Williams is not the first Hollywood celebrity who struggled with drugs and alcohol, nor is he the first celebrity to commit suicide. The prolonged media coverage of his suicide, though, is interesting.

Is it our American culture that places such importance on celebrity? Where does this come from? Our celebrities don't save lives, yet their deaths will certainly receive more media coverage than a respected neurologist or cardiologist. Why? Are celebrities better educated than the average American? No, of course not. You don't even need a high school diploma to be an entertainer. Of course, most Hollywood celebrities live different lives than the rest of us. Broken marriages, divorces, drug and alcohol abuse, often bizarre behavior are commonplace in their world. Yet, we celebrate these differences. Why is that?

**William Michael**  
Dana Point

### FULLERTON DOESN'T NEED ELECTION DISTRICTS

Congratulations to Kitty Jaramillo for surpassing Donald Sterling for the most frivolous lawsuit of 2014 ["Suit alleges at-large elections in Fullerton violate rights," Local, Aug. 14].

Fullerton has a population of 138,000 residents and is

only the 42nd-largest city in the state. The last thing that the citizens of Fullerton need is gerrymandered redistricting for city council elections, in order to meet the social engineering needs of a thrice-failed city council candidate and former life-long public employee.

Fullerton residents have the intelligence to elect those individuals that they feel best represent the needs of the entire city, not just politically-drawn portions of it. They have never demonstrated any efforts to disenfranchise or marginalize Hispanics, Asians or other minority voters. Former Mayor Sharon Quirk-Silva was elected to the Assembly in 2012, and Julie Sa once served on the City Council. If there ever was a ever a "glass ceiling" in Fullerton politics, I helped break it in 1976, while still a high school student, when I proudly worked to elect Louis Velazquez to the council.

There is just no need to divide Fullerton into districts.  
**Kirk G. San Roman**  
Fullerton

### OBAMA'S LEGACY DEFINED

As a so-called lame duck president, President Barack Obama ought to do all he can to not only fulfill the promises of his campaign pledges, but also to dispel the ridiculous notion that the chief executive of the United States of America, with two years left in his term of office, could be considered anything less than the most powerful person on the planet.

With regard to the use of the executive order, as the president's immediate predecessor, George W. Bush said in a different and more dangerous context, "bring 'em on."

**Ben Miles**  
Huntington Beach

## How the 'war on poverty' can be won

By MAX GARDNER  
CONTRIBUTING WRITER

With the stroke of President Lyndon Johnson's pen, America's "war on poverty" was launched 50 years ago today.

The goal of this massive federal program was noble, with Johnson promising "victory of prosperity over poverty." Half a century and trillions of taxpayer dollars later, most would agree that the federal government's "war" has not yet been won.

Conditions here in Southern California are particularly troubling. According to a recent Southern California Association of Governments report, the true "market poverty" rate that factors out government subsidy "safety net" programs is actually higher today (28.7 percent) than in 1967 (27 percent). In Orange County, one in four live in poverty. Nearly 30,000 children are homeless or at risk of homelessness.

Startling on their own, these statistics serve as bellwethers for greater, more systemic problems. Study after study shows a direct link between financial hardship and the health and academic prospects of those living in poverty. Indeed, many of the 4,000 local students who drop out of school each year will lack the resources needed to feed their families later in life. The estimated one-third of Orange County children who are overweight or obese will grow up to face severe health problems. It's a vicious cycle that sentences subsequent generations to the same plight and significantly impacts our community.

How do we even begin to tackle these challenges?

While the national War on Poverty has been unsuccessful by most measures, President Johnson was correct when he argued "the war against poverty will not be won here in Washington. It must be won in the field, in every private home, in every public office, from the courthouse to the White House." More simply, we can't lean on government to tackle these challenges alone.

At United Way, we agree that a locally driven, collaborative approach - one that engages and mobilizes local business, non-profit and government leaders and strategically focuses our collective resources on tackling the interconnected root causes - is the most effective way to create lasting change.

That's why we embarked upon FACE 2024, a 10-year community-wide action plan that will carve out pathways to a stronger community by:

- Cutting the county's high school dropout rate in half
- Reducing the percentage of financially unstable families by 25 percent;
- Increasing the number of healthy youth by one-third;
- Cutting in half the number of homeless and housing-insecure children.

These goals are bold by design, which is why I'm pleased to report that, while still in the midst of our first year of FACE 2024, a solid foundation has already been built through the establishment of several collaborative partnerships. This includes OC Reads, a partnership launched last March to ensure that all students are able to read by third grade. The program engages and provides effective tools and resources for parents, non-profit agencies and local schools in the effort to boost early grade reading, a critical benchmark towards success in school and, ultimately, graduation from high school. We've already formed partnerships with 60 after-school programs, libraries and pediatric offices.

The progress of this and many collaborative efforts means that we're well on pace to achieving our 10-year goals and realizing our vision of an Orange County whose next generation is thriving because it's grown up with a solid education, healthy lifestyle, solid financial base and stable home.

While Lyndon Johnson's prediction for the nation's victory over poverty has not materialized, we're confident that at least here in Orange County, by galvanizing and partnering with our local community that strongly believes in what we're doing, we'll accomplish President Johnson's aim "not only to relieve the symptoms of poverty but to cure it - and above all, to prevent it."

Max Gardner is the president and CEO of Orange County United Way.