



**RADIO TELEVISION DIGITAL NEWS ASSOCIATION  
RADIO TELEVISION DIGITAL NEWS FOUNDATION**

February 24, 2022

The Honorable Stuart Adams  
President

The Honorable Karen Mayne  
Democratic Leader

The Honorable Evan Vickers  
Republican Leader

The Honorable Luz Escamilla  
Democratic Whip

Utah State Senate  
350 N. State Street, Suite 320  
Salt Lake City, UT 84114

**DELIVERED VIA ELECTRONIC MAIL**

Dear President Adams, et al.:

I write today on behalf of dozens of broadcast, digital and print journalists across Utah whom the Radio Television Digital News Association represents, as well as the undersigned news organizations and press freedom groups and their members in Utah, respectfully to express our **opposition to House Bill 399**, passed by the Utah House of Representatives and transmitted to the Senate on February 22.

As currently written, House Bill 399 would unreasonably shield some critical public documents and other information from reporters, and, more important, the members of the public those journalists serve by seeking and reporting the truth. Specifically, House Bill 399 would keep private law enforcement statements made consistent with the U.S. Supreme Court decision *Garrity v. New Jersey*, which, among other things, allows law enforcement agencies to compel statements from officers as part of internal investigations into alleged violations of use-of-force and other laws, agency rules and policies.

Keeping *Garrity* statements accessible to the public provides a potent tool for Utah law enforcement agencies to allow transparency that will help build trust in those agencies, which has suffered in the past several years. On a more granular, but critically important, level it would also allow the families of individuals who are the subjects of police use-of-force policies to understand the best obtainable accounting of what happened to their loved ones. Further, transparent *Garrity* records would benefit law enforcement officers who may have been erroneously accused of wrongdoing.

The state of Utah already has at its disposal the means to restrict the public release of law enforcement tactical matters and individuals' private information. A blanket prohibition on releasing all information contained in *Garrity* statements, therefore, could unnecessarily harm, not benefit, peace officers.

House Bill 399 moved through the House of Representatives with sudden speed. Our hope is that in the State Senate, this legislation will receive thoughtful contemplation, considerable debate, and that ultimately, reason will triumph over expediency. The only logical result of such a comprehensive and contemplative process would be a rejection of any notion that the rights of certain public servants are somehow greater than the rights of the citizens of Utah who employ them and deserve to know what they are doing in the public's name.

We thank you for your consideration of our position. We would be more than happy to answer any questions you may have, or to discuss this matter further with you, at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Dan Shelley". The signature is written in a cursive, flowing style.

CC: Members of the Utah State Senate

**The following news organizations and press freedom groups join the Radio Television Digital News Association in respectfully opposing Utah House Bill 399:**

**The Associated Press  
National Press Photographers Association  
News Media Alliance  
Society of Professional Journalists**