

Senate Bill 1421 and Public Records Act Requests for Peace Officer Records

Taylor M. Anderson, Deputy City Attorney
Human Relations Commission Meeting
July 1, 2020

Background

Before SB 1421

- Peace officer personnel records were deemed highly confidential
- Could only be disclosed pursuant to successful *Pitchess* Motion or in an investigation or proceeding regarding an officer's alleged misconduct conducted by a grand jury, district attorney's office, or the Attorney General's Office

After SB 1421

- ▶ Four general categories of records are no longer deemed confidential:
 1. Officer-involved shootings
 2. Uses of force which result in death or great bodily injury
 3. Sustained findings of sexual assault involving a member of the public
 4. Sustained findings of dishonesty

Sustained Findings of Sexual Assault Involving a Member of the Public

“Sexual Assault” is defined as:

- The commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority.
- The propositioning for or commission of any sexual act while on duty is considered a sexual assault.

“Member of the Public” is defined as:

- Any person not employed by the officer’s employing agency
- Includes any participant in a cadet, explorer, or other youth program affiliated with the agency

Definition of “Sustained” Under SB 1421

A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, **following an investigation and opportunity for an administrative appeal** pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy.

Sustained Findings of Dishonesty

Cases of dishonesty are limited to (1) perjury, (2) false statements, (3) false reports, (4) destruction of evidence, (5) falsifying evidence, or (6) concealing evidence for:

- An officer directly relating to his or her duties in the reporting, investigation, or prosecution of a crime; or
- An officer when being dishonest about another officer's misconduct directly related to the reporting, investigation, or prosecution of a crime.

Types of Records Subject to Disclosure

- All investigative reports
- Photographic, audio, and video evidence
- Transcripts or recordings of interviews
- Autopsy reports
- All materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take
- Documents setting forth findings or recommended findings
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action

Reasons For Redactions Under SB 1421

- ❑ Privacy reasons
 - Personal data or information
 - Names of complainants and witnesses to protect their anonymity
- ❑ Confidential medical, financial, or other information if:
 - Disclosure is prohibited by federal law
 - OR
 - The unwarranted invasion of personal privacy clearly outweighs the strong public interest in disclosure of the records
- ❑ Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Delays for Disclosure: Uses of Force

- ▶ Includes uses of force resulting in great bodily injury and officer-involved shootings
- ▶ Can be delayed per expressly specified time periods for:
 - Active **criminal** investigations/proceedings
 - Active **administrative** investigations

NOTE: These delays require written notification and periodic written updates to the requestor

Police Officer Association Memorandum of Understanding

Section IX – Public Records Requests

When the department receives a public records request for records made available pursuant to Senate Bill 1421 (as adopted on September 30, 2018), the following process will be followed:

1. The department will notify the requestor whether responsive records exist, in accordance with section 6253(c) of the California Government Code.
2. If the department determines responsive records exist, the department shall notify the involved active employee(s) on the same day the requestor obtains notice.
3. Except where the disclosure of such information is prohibited or in the City's discretion is exempted by law, the involved active employee's notification shall include: the date of the request, the requestor name and/or organization, and the nature of the information requested.
4. The department will provide the involved active employee(s) with an opportunity to review the redacted records at least five calendar days prior to public release.
5. The involved active employee(s) will be allowed to retain a copy of the records that are subject to public release.



LONG BEACH POLICE DEPARTMENT REQUEST CENTER

Public Records Menu

Home

FAQs

Submit a Request

My Request Center

View SB1421 Requests

FAQs

[See All FAQs](#)

Can I still submit a Public Records Request in person?

Do I have to pay for Public Records Requests?

Where can I get a copy of the

****Please use Internet Explorer as a browser to submit your requests on this portal.****



Submit a Public Records Request

Submit a Public Records Request to the Long Beach Police Department.



My Request Center

Track the status of requests, manage account information, and download your records by logging into your account.



Trending Topics

[Click Here to View Frequently Requested Topics](#)




View Knowledge-Base


- [Search for an answer to a specific question](#)
- [Browse frequently asked questions](#)





Public Records Menu

 Home

 FAQs

 Submit a Request

 My Request Center

 View SB1421 Requests

FAQs

[See All FAQs](#) 

Can I still submit a Public Records Request in person?

Do I have to pay for Public Records Requests?

Where can I get a copy of the Long Beach Police Department policies?

Submit a Public Records Request

If you have a GovQA account, please log in. If this is your first time submitting a public records request to the City of Long Beach, you are encouraged to create an account and provide contact information so that City staff can communicate with you and your request. By creating an account, you will have the ability to track and monitor your public records requests. All communication from the City will be sent directly to your email account provided.

Login and Submit

Email Address:*

Password:*

☒ Submit

If you don't know or have forgotten your password, [click here](#).

Create an Account

New User? Click below to create a new account.

☒ Create Account

Disclaimer

Submit Anonymously

Requesters may also submit requests for public records Anonymously. To search for a previously submitted request, click on the "My Request Center" link to the left of the page and then click "[Search by Reference Number](#)".

Requesters are strongly encouraged to provide at least some contact information so that City staff may communicate important information, and/or ask questions to gain clarification about the request.

By submitting anonymously, requesters will not receive updates directly from the City on their PRA request. It is the responsibility of the requester to maintain the Confirmation Number and periodically check the Public Records Center for updates, requests for additional information, and/or inquiries.

☒ Submit



LONG BEACH POLICE DEPARTMENT REQUEST CENTER

Public Records Menu

- [Home](#)
- [FAQs](#)
- [Submit a Request](#)
- [My Request Center](#)
- [View SB1421 Requests](#)

FAQs

[See All FAQs](#)

Can I still submit a Public Records Request in person?

Do I have to pay for Public Records Requests?

Where can I get a copy of the Long Beach Police Department

****Please use Internet Explorer as a browser to submit your requests on this portal.****

Submit a Public Records Request

Submit a Public Records Request to the Long Beach Police Department.



My Request Center

Track the status of requests, manage account information, and download your records by logging into your account.



Trending Topics

[Click Here to View Frequently Requested Topics](#)



View Knowledge-Base

- [Search for an answer to a specific question](#)
- [Browse frequently asked questions](#)



LBPD SB 1421/AB 748

This webpage contains files disclosable under Senate Bill 1421 (SB 1421) and Assembly Bill 748 (AB 748) that the Long Beach Police Department has released through the online [Public Records Act request portal](#). The Department will continue to upload records disclosed pursuant to SB 1421/AB 748, as they become available.

Although our staff is working diligently to provide responsive records as quickly as possible, please keep in mind that incidents subject to release under SB 1421 are voluminous in nature and encompass hundreds of incidents going back over 50 years. The Department has added additional staff to its public records team and they are working to review and to redact responsive documents, audio, and video files to ensure victim privacy is preserved.

Senate Bill 1421 (SB 1421)

Effective January 1, 2019, SB 1421 amended sections of the Penal Code which generally made all peace officer personnel records and information confidential and exempt from disclosure, except by motion in a criminal, civil, or administrative action.

SB 1421 created exceptions that allow the public to obtain peace officer and custodial officer records relating to the report, investigation, or findings of:

- A. An incident regarding an officer-involved shooting at a person;
- B. An incident involving the use of force by an officer resulting in death or great bodily injury;
- C. An incident involving a sustained finding of sexual assault by an officer involving a member of the public; and
- D. An incident involving a sustained finding of dishonesty by an officer directly related to the reporting, investigation, or prosecution of a crime or an investigation of misconduct by another officer.

Assembly Bill 748 (AB 748)

Effective July 1, 2019, AB 748 amended Government Code Section 6254 related to the release of video or audio recordings, which requires agencies to produce video and audio recordings of incidents involving a discharge of a firearm and any use of force by an officer or custodial officer against a person resulting in death or great bodily injury.

[Officer Involved Shootings \(OIS\)](#)

[Use of Force Involving Great Bodily Injury/Death](#)

[Sustained Incidents of Sexual Assault / Dishonesty](#)

LBPD SB 1421/AB 748

[SB 1421/AB 748 Homepage](#)

[Officer Involved Shootings](#)

[Use of Force](#)

[Sexual Assault / Dishonesty](#)

Public Records Request

[PRA Request Portal](#)