



Senate Bill (S.B.) 1421

INTEGRITY ♦ SERVICE ♦ PROFESSIONALISM ♦ VIGILANCE

The purpose of the S.A.F.E. Bulletin is to promote and support best practices and exceptional law enforcement services free from prejudice or favor, with leadership, integrity, and respect.

Senate Bill 1421 took effect January 1, 2019. It is a new law that expands the scope of peace officer records which shall be made available for inspection pursuant to a California Public Records Act request. Specifically, the law requires the release of the following previously protected records:

1. Any record relating to the report, investigation, or findings of an incident involving the **discharge of a firearm** at an individual by a peace or custodial officer;
2. Any record relating to the report, investigation or findings of an incident in which the **use of force** by a peace or custodial officer against an individual **resulted in death or great bodily injury**;
3. Any record relating to an incident in which a **sustained finding** was made by a law enforcement or oversight agency that a peace or custodial officer engaged in **sexual assault** against a member of the public, including the proposition of or commission of any sexual act while on duty; and
4. Any record relating to an incident in which a **sustained finding** was made that a peace or custodial officer engaged in **dishonesty** directly relating to the reporting, investigation, or prosecution of a crime, or directly related to the reporting of, or investigation of misconduct by, another peace or custodial officer.

RECORDS

The records that must be released include investigative reports, photos, audio/video files, interview transcripts/recordings, autopsy reports, all materials presented to the district attorney, and administrative disciplinary records. SB 1421 does allow agencies to redact information for five specific delineated purposes:

1. To remove personal data or information, e.g., home address, telephone numbers, identities of family members.
2. To preserve the anonymity of complainants and witnesses;
3. Where there is a "specific, articulable and particularized" reason to believe that disclosure would pose a significant danger to the safety of the officer or another;
4. Where, on the particular facts of the case, the public interest in not disclosing the information clearly outweighs the public interest in disclosing it; and
5. If the incident described in the records is the subject of an active criminal or administrative investigation.

NEXT STEPS

The Department is committed to protecting the privacy and safety of our personnel, while still respecting the transparency and public trust that SB 1421 is designed to bolster. As part of that commitment, employees with records subject to disclosure from an SB 1421 PRA request will receive an email notification prior to the release of any records. Also, each request for records will be redacted according to the law.

