20-12 - Release of Peace Officer Records Senate Bill 1421

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

RELEASE OF PEACE OFFICER RECORDS

SENATE BILL 1421

In 2018, Senate Bill 1421 (SB 1421) was signed into law which amended section 832.7 of the California Penal Code (PC). This amendment provides that certain peace officer and custodial officer personnel records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act.

Specific Personnel Records Subject to Disclosure

Records which are to be made available to the public pursuant to SB 1421 are records relating to the report, investigation, or findings of any of the following:

- An incident involving the **discharge of a firearm** at a person by a peace officer or custodial officer;
- An incident in which the **use of force** by a peace officer or custodial officer against a person resulted in death or great bodily injury;
- Any record relating to an incident in which a sustained finding was made by any law enforcement agency that a peace officer or custodial officer engaged in **sexual assault** involving a member of the public; and/or
- Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of **dishonesty** by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, or concealing of evidence.

Specific Items of Record Which Must Be Redacted

Certain personal information within personnel records made available pursuant to SB 1421 must be redacted when the record(s) contain any of the following:

- Personal data or information of a peace officer or custodial officer, such as, home address, telephone number, or identities of family members, other than the name and work-related information of a deputy or custodial officer;
- Any information that will preserve the anonymity of complainants and witnesses;

- Confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the benefit of public interest in the misconduct of deputies/custodial officers; and/or
- Where there is a specific, articulable reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.

Disclosure of personnel records may be delayed up to 60 days by the Department during an active administrative or criminal investigation regarding use of force cases. Refer to 832.7 PC in the reference section below for further provisions of delayed disclosure.

Providing the Records

Although SB 1421 provides for specific items within personnel records of peace officers or custodial officers to be provided to the public, those records must be requested through the proper records request procedures, and should not be released at the patrol station level. Department personnel records will not be provided to the public as a physical in-person records inspection or a searchable format online.

Requests to inspect and copy public records which are not otherwise immediately available to the public should be made directly to the responsible department or agency head, commission or committee secretary, or to his or her designee. Pursuant to the California Public Records Act, “each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore.”

Notification to Personnel

Members of the Department who are the subject of a records request pursuant to SB 1421 will immediately be notified by their respective unit commander.

If you have any questions, please call or email Field Operations Support Services at [REDACTED TEXT]

References

California Public Records Act

SB 1421

832.5 PC

832.7 PC

1043 EVID

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