

# (S)ENATE (B)ILL 1421

- EFFECTIVE JANUARY 1, 2019
- MANDATE FOR EVERY CALIFORNIA LAW ENFORCEMENT AGENCY
- RETROACTIVE
- SCOPE: INVESTIGATIVE REPORTS, AUTOPSY REPORTS, ANYTHING PROVIDED TO DA OR DECISION-MAKER RE DISCIPLINE, INTERVIEW RECORDINGS/TRANSCRIPTS, ALL DISCIPLINE FINDINGS, RECORDS, PHOTOS AND AUDIO/VIDEO FILES.
- PRA REDACTION CRITERIA STILL APPLIES

## ...QUALIFYING INCIDENTS:

- ✓ Discharge of a firearm at a person by a peace officer.
- ✓ Use of force by a peace officer against a person resulting in death or great bodily injury.
- ✓ *Sustained* finding of a peace officer engaged in sexual assault involving a member of the public.
- ✓ *Sustained* finding of dishonesty by a peace officer (i.e., perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing evidence).

# (A)SSEMBLY (B)ILL 748

- EFFECTIVE JULY 1, 2019
- MANDATE FOR EVERY CALIFORNIA LAW ENFORCEMENT AGENCY
- RETROACTIVE
- REQUIRES AGENCIES TO PRODUCE VIDEO AND AUDIO RECORDINGS OF “CRITICAL INCIDENTS.”
  - ✓ Discharge of a firearm at a person by a peace officer.
  - ✓ Use of force by a peace officer against a person resulting in death or great bodily injury.

# PUBLIC RECORDS ACT REDACTIONS

- All personal data or information.
- To preserve the anonymity of complainants and witnesses.
- To protect confidential medical, financial or other information prohibited by federal law OR would cause an unwarranted invasion of personal privacy.
- Disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer or another person.

# THE PROCESS...

- PRA requests comes in, collected and disseminated by APD Records Manager.
- Vetted by city attorney's office to determine if it meets the requisite criteria for an SB1421 release.
- Estimate total costs for producing redacted records tabulated and bill sent to requestor.
- Records produced/redacted after payment is collected.
- Release of the records.

# DATA RELEASE UNIT

- Created a Data Release Sergeant position within the Professional Standards Bureau.
- Hired a consultant who specializes in the Body Worn Camera technologies including audio/video redaction.
- Paralegal from the City Attorney's office assisting with processing and redacting of SB 1421 requests.
- Cross-trained five Internal Affairs and MIRT investigative sergeants in data redactions (audio, video and text).