



Roll Call Training Bulletin

Produced by: Administrative Officer Danielle Perez, Professional Standards Unit

Katherine Lester, Chief of Police

Prepared by: PSU

Volume 131

Notification Process for Release of Peace Officer and General Law Enforcement Records

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BACKGROUND:

In 1968, the California Legislature enacted the California Public Records Act (CPRA) under Government Code (GC) sections 7920.000-7931.000. Under the CPRA, “the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state” (GC § 7921.000).

The City of Sacramento, and by extension, the Sacramento Police Department (SPD), recognizes and supports the public’s right to access records created and maintained by the Department. The intake of all public records requests for SPD is handled by the Government Affairs Unit (GAU). Historically, the release of all records was also handled by GAU; however, legislative updates regarding the mandated disclosure of peace officer records led to the creation of the Transparency Team within the Professional Standards Unit (PSU) in 2022. Consequently, GAU and PSU now share the responsibility of managing Public Records Act (PRA) requests.

SENATE BILLS 1421 AND 16:

In late 2018, the California Legislature enacted Senate Bill 1421 to modify Cal. Penal Code § 832.7 as it pertains to the release of peace officer records. Effective January 1, 2019, peace officer records and records pertaining to specific incidents, complaints, and investigations became mandated for release to the general public. Incidents for which records were mandated for disclosure included:

- Officer-involved shootings
- Uses of force resulting in death or great-bodily injury
- Sustained findings of sexual assault
- Sustained findings of dishonesty

In late 2021, the California Legislature enacted Senate Bill 16, which went into effect on January 1, 2022 and again modified Cal. Penal Code § 832.7 to expand the categories of incidents for which records are mandated for disclosure to include:

- Sustained findings of unreasonable or excessive force
- Sustained findings of a failure to intervene against an officer using force that is clearly unreasonable or excessive
- Sustained findings of conduct involving prejudice or discrimination
- Sustained findings of unlawful arrest or unlawful search

GOVERNMENT AFFAIRS UNIT (GAU):

GAU handles the intake of all PRA requests by means of a public portal accessible via SPD’s Transparency webpage. Requests are triaged by GAU staff. Requests seeking records pursuant to Cal. Penal Code § 832.7 are delegated to PSU’s Transparency Team for processing, while all other requests are processed by GAU.



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Many records maintained by law enforcement are disclosable only on a “right to know, need to know” basis. Records pertaining to specific incidents, with limited exception, are disclosable to the victim(s) of an incident or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss as the result of various types of incidents/crimes (GC § 7923.605). GAU staff must confirm a requester’s “right to know, need to know” status prior to the release of these records.

Various sections of the Government Code, including GC §§ 7923.600 – 7923.625, outline the various types of records and/or related data and information that must be provided to the general public upon request. This information includes, but is not limited to, arrested persons information (including name, physical description, date/time/location of arrest, etc.) and incident information (including date/time/location of calls for service, factual circumstances surrounding a crime or incident, etc.).

Upon receipt of a PRA request for records, GAU will compile and appropriately redact records prior to release. Responsive records are provided by GAU directly to the PRA requester via the records portal.

PROFESSIONAL STANDARDS UNIT (PSU) – TRANSPARENCY TEAM:

When GAU receives a PRA request for peace officer records subject to disclosure pursuant to Penal Code § 832.7 (as outlined in Senate Bills 1421 and 16), the request is transferred to the Transparency Team for processing. The Transparency Team will compile and appropriately redact records prior to release. Responsive records are released via SPD’s Transparency webpage as well as to the requestor, and are therefore made publicly available.

NOTIFICATION PROCESSES:

When releasing records, both GAU and the Transparency Team will notify involved officers regarding the release. However, due to the difference between general releases (GAU) and those pertaining to personnel records and/or allegations of officer misconduct (Transparency Team), the type of notification received will differ.

When GAU intends to release video records, staff will send an email notification directly to the officer whose body-worn camera (BWC) or in-car camera (ICC) footage is being released. Example: GAU receives a request for the BWC of Officer Smith during a 901 call for service for insurance purposes. When GAU staff is ready to produce the records to the requester, they will email Officer Smith to advise his BWC is being released pursuant to a PRA request. Notifications will only be sent to officers currently employed by SPD.

When the Transparency Team intends to release records pursuant to Penal Code § 832.7, staff will send a notification directly to the involved officer(s). Example: The Transparency Team receives a PRA request for all records pertaining to an officer-involved shooting (OIS) in which Officer Smith discharged his firearm. When the Transparency Team is prepared to release the General Offense report for that OIS, Officer Smith will be emailed directly to notify him of the pending release. Additionally, due to the nature of these types of incidents and the potential for media interest in the release of related records, the following staff will also be included in the notification:



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- SPD Chiefs
- Involved officer(s) Captain
- IA and PSU Captains
- Public Information Officer (PIO)
- SPOA Representative
- PSU Lieutenant

For officers currently employed by SPD, the notification will be sent via email. For those officers who have separated from City service (via resignation, retirement, or termination) a letter advising of the pending (and all future) releases will be mailed to the address maintained on file by SPD. This notification process will be followed by the Transparency Team anytime documents or specific officer records (i.e., only Officer Smith's BWC) for an applicable incident are prepared for release.

For releases involving a large volume production of video records or CSI photographs in which multiple officers are involved (i.e., all video is released for an OIS, encompassing several different officers' BWC and ICC videos), an "All Police" email will be sent to notify the Department that records for an incident are being released. For these releases, the involved officer(s) will be directly notified as well.

RECORD RELEASES BY OUTSIDE AGENCIES:

Pursuant to Penal Code § 832.7, all records in an agency's possession meeting disclosure criteria, regardless of the agency involved in the incident, must be released in accordance with law. Therefore, it is possible for another agency to disclose SPD records via a PRA request received by their agency (i.e. an SPD officer is involved in an OIS in Sacramento County, and Sacramento County Sheriff's Office deputies respond to assist and therefore create records pertaining to our OIS). Additionally, agencies like the California Peace Officer Standards and Training (POST) create records pertaining to SPD officers, including training files. Upon receipt of a PRA for these records, POST must release them.

As professional courtesy, it is common practice (though not mandated) for outside agencies to contact SPD prior to the release of records pertaining to SPD officers. Upon receipt of such a notification, GAU and/or the Transparency Team will follow SPD notification processes to alert officers of the pending outside agency release.

SUMMARY:

For public releases by both GAU and the Transparency Team, the involved officer will be notified. However, due to the nature of the records being released pursuant to Penal Code § 832.7, and the fact that records are being released publicly via the Department's Transparency webpage, additional management, PIO, and union notifications will be made for all releases by the Transparency Team.

For all releases by both GAU and the Transparency Team, involved officers can request to review the redacted records prior to release.