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California Senate Bill 1421 Peace Officers Release of Records Frequently Asked Questions

California Senate Bill 1421 (SB-1421), which became law on January 1, 2019, amends California Penal Code sections 832.7 and 832.8 relating to peace officer records. SB-1421 requires certain peace officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers to be made available for public inspection pursuant to the California Public Records Act. The San Diego County Sheriff's Department is fully committed to complying with the new law. Because the law is complex, we want you to know a few important points. If you want to read the law in its entirety, click [here](#).

Q: What categories of records must be made public under SB-1421?

A: California Penal Code section 832.7(b) applies to records relating to:

- The discharge of a firearm at a person by a deputy
- The use of force by a deputy against a person resulting in death or great bodily injury
- An incident in which an agency made a sustained finding that a deputy engaged in sexual assault involving a member of the public
- An incident in which an agency made a sustained finding that a deputy engaged in dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or the reporting of, or investigation of misconduct by, another deputy

Q: What does "sustained finding" mean?

A: "Sustained" means a final determination by the agency, following an investigation and opportunity for an administrative appeal, that the actions of the peace officer were found to violate department policy.

Q: If I request a qualifying record, will I get every part of the record, in its entirety?

A: California Penal Code section 832.7(b) mandates the redaction of the following information:

(A) To remove personal data or information, such as a home address, telephone



number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect 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 strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) 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 peace officer, custodial officer, or another person.

Additionally, if an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer must be redacted unless it relates to a sustained finding against that officer.

The record(s) you receive from the Sheriff's Department will be redacted, pursuant to the Penal Code. It is important to note that all parts of the record must be reviewed and redacted prior to disclosure including paper documents, photographs, and audio and video files. The Sheriff's Department does not presently maintain these records with the redactions mandated by the new law.

Q: Aside from the mandated information is there anything else that the Department can choose to redact?

A: Yes. An agency may redact a record to remove personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

Q: Can the Department withhold a record that falls into one of the disclosure categories?

A: Yes. An agency may withhold the record of an incident involving the discharge of a firearm at a person by a peace officer or an incident in which the use of force by a peace officer against a person resulted in death, or in great bodily injury that is the subject of an active criminal or administrative investigation. Cal. Pen. Code section 832.7(b)(7).

Q: What does the extraction process involve for video/electronic records?



A: The work to review, redact and prepare a video clip for public release is performed by a time-consuming, manual frame-by-frame process. This is very labor intensive especially when the whole camera field of view or the subjects in the video are moving.

For example, a 20-minute interview of a witness standing against a wall took eight hours to redact or cover this witness' face. Another example is a 90-second public safety video about underage drinking that took four hours to redact a 30-second section of the video showing juveniles that were moving. This particular redaction was done by a professional who has 40 years of experience editing videos. It will be a more time-consuming process with longer videos and if additional body cameras are involved in the same incident. CPRA video redactions will be done by specially-trained deputies.

Q: What does the extraction process involve for body worn camera video?

A: There is a need for frame by frame review and redaction because of California Penal Code section 832.7(b). A body camera is attached to a deputy's uniform and can go into people's homes, hotel rooms, hospitals, schools and many other private areas showing members of the public who were not involved in the incident. For example in a hospital, while talking to a witness, we cannot show anyone else in the video except the suspect and deputies. We cannot show any medical information on a white board or the computer screens or clip boards, or other patients. When speaking to a confidential informant, we cannot show any identifying information such as plate numbers, house numbers, school uniforms, faces, playgrounds or parks and other places that could be used as reference to identify the home, workplace or school of the informant.

Q: How long will it take to get my requested record(s)?

A: In order to calculate the total number of hours estimated to complete your request, the Sheriff's Department must first identify all incidents responsive to your request and review the amount of material related to each incident. For example, on average, it takes one employee two hours to extract every one minute of video footage. This is because the video has to be extracted frame by frame. The time spent redacting audio files is anticipated to be approximately equal to the length of the audio file and about one hour to extract every 100 electronic pages. The Department is actively looking for additional advanced technology to expedite this redaction process and is open to suggestions from the media and the public regarding such a solution.



The Sheriff's Department receives many public records requests every day. It does not have a dedicated staff to handle such a high volume of requests. Inquiries are farmed out to the appropriate Sheriff's Units. Employees tasked with responding to these CPRA requests must do so while still completing their day to day responsibilities.

Q: How will I get my redacted records?

A: Once the redaction work is completed, the redacted record/s will be posted on-line for easier access for the requestor and others who may wish to obtain the same record/s in the future. You can find completed records here: <https://www.sdsheriff.net/publicrecords.html>.

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