



Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



BERNARD MELEKIAN, Chief of Police

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Senate Bill 16 (SB 16)

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Purpose:

The purpose of this training bulletin is to inform department personnel of Senate Bill 16, which will go into effect on January 1, 2022.

Summary - Senate Bill (SB) 16:

On September 30, 2021, SB 16 was signed into law by Governor Newsom. SB 16 builds upon SB 1421 (signed into law on September 30, 2018) by expanding the types of police records that will now be subject to release under the California Public Records Act (PRA). SB 16 amends Penal Code § 832.7 by adding four (4) categories to the existing four (4) disclosure mandates originally established by SB 1421.

SB 1421 originally required disclosure of the records relating to the report, investigation or findings of the following:

1. An incident involving the discharge of a firearm at a person by a peace officer.
2. An incident in which the use of force by a peace officer against a person resulted in death or great bodily injury.
3. A sustained finding that a peace officer engaged in sexual assault involving a member of the public. This also includes the propositioning for, or commission of any sexual act while on duty (including consensual sex).
4. A sustained finding of dishonesty by a peace 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. This includes any sustained finding of perjury, false statements, filing false reports, destruction of evidence, or falsifying/concealing evidence.

SB 16 would require disclosure of the records relating to the report, investigation or findings of the following:

1. A sustained finding that a peace officer used unreasonable or excessive force.
2. A sustained finding that a peace officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
3. A sustained finding that a peace officer engaged in conduct that was prejudiced or discriminated against a person based upon on the basis of:
 - Age, race, color, or religious creed;
 - National origin or ancestry;
 - Physical/mental disability, a medical condition, or genetic information;
 - Marital status or sexual orientation;

- Sex, gender, gender identity, or gender expression;
 - Military and veteran status;
4. A sustained finding that a peace officer made an unlawful arrest or conducted an unlawful search.

The bill delays implementation for all four new categories until January 2023.

SB 16 also added additional provisions of the bill that will go into effect in January 2022. Those additional provisions include:

- All public complaints must be retained for at least five (5) years
- Sustained misconduct must be retained for a minimum of fifteen (15) years.
- Records relating to an incomplete investigation must be released if an officer resigned during the investigation as if the investigation made a sustained finding.
- Whistleblowers and victims are added to the list of persons whose identities are required to remain confidential.
- Records shall be provided at the “earliest possible time” and “no later than 45 days from the date of a request for their disclosure” unless temporary withholding is permitted because of an active criminal investigation.
- An agency may only charge the direct cost of duplication for the production of these records, in line with the Public Records Act, and not for searching or redacting records.
- A public agency hiring a peace officer must review any files that must be disclosed by Penal Code § 832.7 before hiring the officer.

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