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SB-978 Law enforcement agencies: public records. (2017-2018)

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Senate Bill No. 978

CHAPTER 978

An act to add Title 4.7 (commencing with Section 13650) to Part 4 of the Penal Code, relating to law enforcement.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 978, Bradford. Law enforcement agencies: public records.

Existing law establishes within the Department of Justice the Commission on Peace Officer Standards and Training and requires the commission to adopt rules establishing minimum standards regarding the recruitment and training of peace officers.

Existing law, the California Public Records Act, generally requires each state and local agency to make its public records available for inspection by a member of the public, unless the public record is specifically exempted from disclosure. The act further requires every state and local agency to duplicate disclosable public records, either on paper or in an electronic format, if so requested by a member of the public and he or she has paid certain costs of the duplication.

This bill would, commencing January 1, 2020, require the Commission on Peace Officer Standards and Training and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. By imposing this requirement on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Law enforcement agencies, including the Commission on Peace Officer Standards and Training and local law enforcement agencies, establish standards of physical, mental, and moral fitness for peace officers, develop and implement programs to increase the effectiveness of law enforcement by peace officers, and provide ongoing education and training for peace officers.

(b) Law enforcement agencies have numerous sets of regulations, including, but not limited to, educational materials, manuals, policies, practices, and procedures, that guide employees in their duties. Regulations should be based on best policing policies and practices, current legal standards, and community safety needs.

(c) Currently, across California and the country, many local law enforcement agencies conspicuously post their training, policies, practices, and operating procedures on their Internet Web sites.

(d) Making regulations of law enforcement agencies easily accessible to the public helps educate the public about law enforcement policies, practices, and procedures, increases communication and community trust, and enhances transparency, while saving costs and labor associated with responding to individual requests for this information.

SEC. 2. Title 4.7 (commencing with Section 13650) is added to Part 4 of the Penal Code, to read:

TITLE 4.7. Law Enforcement Agency Regulations

13650. Commencing January 1, 2020, the Commission on Peace Officer Standards and Training and each local law enforcement agency shall conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.