



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: PUBLIC RECORD DISCLOSURE:
SENATE BILL 16**

DATE: December 18, 2022

Bulletin #2022-041

[Senate Bill 1421 \(link\)](#) was enacted on January 1, 2019. This bill amended [Penal Code section 832.7 \(link\)](#) to require Police Departments to disclose peace officer records, upon request, for the following: (summarized)

- The discharge of a firearm at a person.
- An incident involving the use of force against a person that resulted in death or in great bodily injury.
- A sustained finding of sexual assault involving a member of the public.
- A sustained finding of any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

[Senate Bill 16 \(link\)](#) was enacted on January 1, 2022, and it also amended Penal Code section 832.7 to require Police Departments to disclose additional peace officer records, upon request, beginning on January 1, 2023. It added the following for disclosure: (summarized)

- A sustained finding of unreasonable or excessive force.
- A sustained finding of failure to intervene against another officer using force that is clearly unreasonable or excessive.
- A sustained finding of prejudice, discrimination, or bias.
- A sustained finding of unlawful arrest or unlawful search.

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The following is a list of records that will be released, upon request:

- All investigative reports
- Photographs, audio, and video
- Transcripts and interview recordings
- Autopsy reports
- All materials presented to the District Attorney's Office
- Administrative findings
- Disciplinary records

The following is a list of what may be redacted from those documents above:

- 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.
- Information that will preserve the anonymity of whistleblowers, complainants, victims, and witnesses.
- 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 possible misconduct and use of force by peace officers.
- 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, or another person.

The Research and Development Unit, in collaboration with the Internal Affairs Unit, is coordinating the release of all public records pursuant to SB 1421 and SB 16. Any Department member with records subject to release will be notified and provided an opportunity to review the records prior to release. The release of records under Senate Bill 16 will begin after January 1, 2023.



Anthony Mata
Chief of Police

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