

SPECIAL DIRECTIVE 20-01

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: SENATE BILL 1421 - REQUESTING LAW ENFORCEMENT
INFORMATION PURSUANT TO THE PUBLIC RECORDS ACT

DATE: FEBRUARY 27, 2020

This Special Directive sets forth Office policy regarding the issuance of a Public Records Act (PRA) request for certain information and/or documentation in peace officers' and custodial officers' personnel files pursuant to Senate Bill (SB) 1421, as codified in Penal Code § 832.7(b), and as guided by Penal Code § 832.8.

This Special Directive also announces the creation of the SB 1421 PRA Request Application, which will allow deputies to: (1) search for prior PRA requests; (2) generate PRA requests; (3) track the status of pending PRA requests; and (4) review responsive PRA documents produced by law enforcement agencies.

Accordingly, the Legal Policies Manual is amended to add section 23.07 as follows:

**23.07 REQUESTING LAW ENFORCEMENT INFORMATION PURSUANT TO
SENATE BILL 1421 AND THE PUBLIC RECORDS ACT**

Pursuant to Senate Bill (SB) 1421, as codified in Penal Code § 832.7(b), and as guided by Penal Code § 832.8, certain peace officer and custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving these officers are available for public inspection. Records of complaints and investigations related to the following four categories of incidents are *no* longer confidential and are subject to disclosure pursuant to a PRA request:

1. Discharge of a firearm at a person;
2. Use of force against a person that resulted in death or great bodily injury;
3. A *sustained* finding by a law enforcement agency or oversight agency of having engaged in sexual assault involving a member of the public;
4. A *sustained* finding of dishonesty 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 or custodial officer, including, but not limited to, any *sustained* finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

Effective immediately, deputies have the discretion to make a PRA request via the SB 1421 PRA Request Application to obtain disclosable SB 1421 information from the personnel file of a peace officer or custodial officer on pending cases which the deputy is handling.

SB 1421 PRA Request Application

The SB 1421 PRA Request Application enables deputies to: (1) search to determine whether there was a prior PRA request made on a particular officer; (2) generate PRA requests for disclosable information from the personnel file of a particular officer on a pending case that the deputy is handling; (3) track the status of pending PRA requests for a particular officer, whether issued by the individual deputy or by another deputy; and (4) review responsive PRA documents produced by law enforcement agencies for a particular officer.

Deputies may access the SB 1421 PRA Request Application through the “MyApps” icon in the Network Applications Folder on their computer workstation, or by copying and pasting the following link into an internet browser: <https://myapps.da.lacounty.gov>. Deputies are the only Office personnel authorized to access the SB 1421 PRA Request Application and may do so only as necessary to perform their official duties. A security log is built into the application which tracks all inquiries. Misuse of the application may subject an employee to disciplinary action.

DCU Responsibilities with SB 1421 Information

The issued PRA request instructs the law enforcement agency to send responsive information to the Discovery Compliance Unit (DCU) rather than directly to the individual deputy who generated the request. This is to ensure that any fees assessed by the law enforcement agency for the requested information are paid by the Office through the DCU. However, if the responding agency submits PRA information directly to the individual deputy rather than to the DCU, the individual deputy shall forward the information to DCUPRA@da.lacounty.gov or via county mail to: LADA - DCU, 320 W. Temple Street, Suite 540, Los Angeles, CA 90012.

Additionally, the DCU has and will routinely submit comprehensive PRA requests to agencies seeking SB 1421 information. Upon receipt of responsive information from either a PRA request generated by the DCU or an individual deputy, the information will be manually uploaded into (1) the SB 1421 PRA Request Application and, if appropriate, (2) the Discovery Compliance System (DCS). Deputies will not be able to generate a PRA request seeking the production of SB 1421 records that were previously provided to our Office by a law enforcement agency, pursuant to either the terms of a prior PRA request or Memorandum of Understanding.

The DCS Manual has been updated to explain the processing of information pursuant to a SB 1421 PRA request issued by a deputy. It has been uploaded to LADAnet under Library>Office Manuals>DCS Manual. Step-by-step instructions explaining how to use the application have been uploaded to LADAnet under [Library>Office Manuals>MyApps>SB 1421 PRA Request Application User Guide](#). An instructional video will soon be available to assist in accessing and utilizing the application. Any questions shall be directed to the DCU.

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