

# OPERATIONS MANUAL

## MANDATED DISCLOSURE UNIT

SAN DIEGO POLICE  
DEPARTMENT



**Portions of this document are deemed by the San Diego Police Department to be records of security procedures and are exempt from disclosure under the California Public Records Act (CPRA), Government Code Section 7923.600.**

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## **I. MISSION STATEMENT**

The Mission of the Mandated Disclosure Unit (MDU) is to maintain public trust by producing records required by California Transparency Laws and by tracking the Racial and Identity Profiling Act (RIPA) data and use of force reporting.

## **II. OVERVIEW**

On January 1, 2019, Senate Bill 1421 went into effect, and it was followed by Assembly Bill 748 on July 1, 2019, and Senate Bill 16 on January 1, 2022.

SB1421 amended Sections 832.7 and 832.8 of the Penal Code, relating to peace officer records.

AB748 amended Section 6254 of the Government Code, relating to peace officers.

SB16 amended Section 1045 of the Evidence Code and amended Sections 832.5, 832.7, and 832.12 of the Penal Code, and added Section 832.13 to the Penal Code, relating to peace officers.

These bills significantly changed the California Public Records Act (CPRA) and government codes that provide instructions for the release of records to the public. Several categories of records are no longer exempt from public disclosure and the Department, along with the City of San Diego, has identified previously undisclosed files that must be released to comply with the provisions of these legislative mandates. Additionally, the City of San Diego was involved in litigation related to SB 1421. The settlement of this litigation established a timeline for the release of these newly responsive documents.

To comply with the requirements of SB-1421 and future mandated disclosure legislation, the Department created the Requested Information Unit (RIU), currently known as the MDU. The MDU falls under the Research, Analysis, and Planning (RAP) Command.

Currently, this unit is located at (~~Deleted – records of security~~) and comprised of the following: 1 Captain, 1 Lieutenant, 2 sergeants, 2 officers, and 2 civilians who administer CPRA requests. Members of MDU are responsible for identifying responsive documents, redacting exempted and protected information, and producing responsive materials through the NextRequest

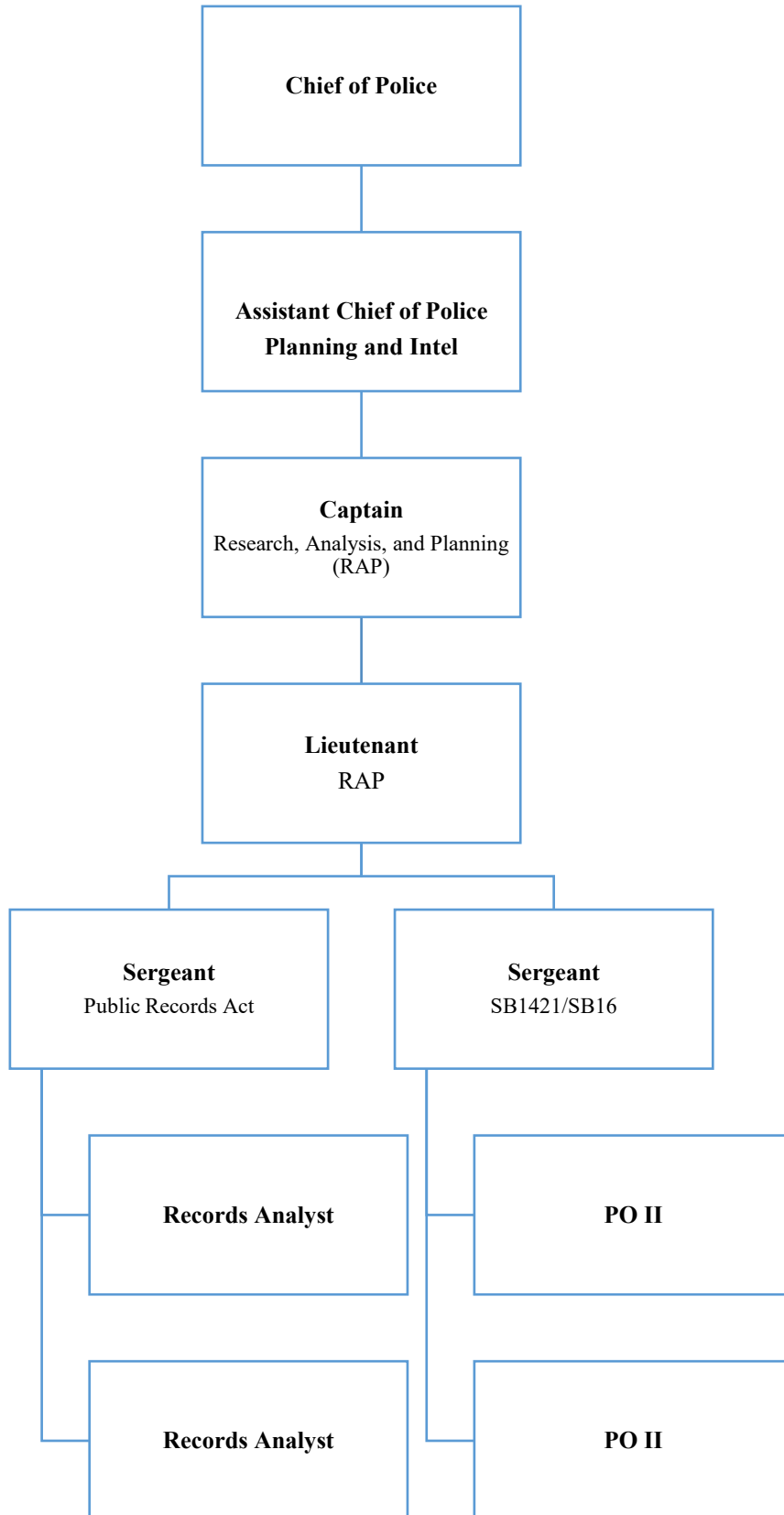
portal (<http://sandiego.nextrequest.com>). Information that should be redacted pursuant to Section 832.7(b)(5) of the Penal Code, includes:

- Personal data or information, such as home addresses, telephone numbers, or identities of family members, other than the names and work-related information of peace and custodial officers.
- To preserve the anonymity of complainants and witnesses.
- Medical, financial, or other information **for all persons** of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy.
- Information associated with 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.

In addition to mandated disclosure legislation requests, the MDU is also responsible for the following:

- Ensuring RIPA data is organized and sent to the California Department of Justice in a timely manner and pursuant to the provisions of state law.
- Ensuring submissions are reviewed and quality checked to ensure data is accurately submitted to the California Department of Justice.
- Managing and preparing appropriate CPRA requests via the Records Management Analysts.
- Managing and preparing appropriate e-mail documents as requested in subpoenas received by Records.
- Specialized redaction of Body-Worn Camera (BWC) footage at special request of any unit in the Department, and at the direction of the RAP Captain.
- Providing expert guidance across the Department regarding compliance with CPRA requests.

**III. ORGANIZATION CHART**



#### **IV. MANDATED DISCLOSURE UNIT**

The MDU is responsible for identifying, processing, and releasing materials, as required by California mandated disclosure legislation, related to investigations that were previously exempted from public disclosure.

Members of the MDU will ensure required redactions are properly applied to responsive documents which fall under the legal provisions enacted by mandated disclosure legislation. Furthermore, MDU staff will produce information required by RIPA in a timely fashion and make certain CPRA requests are fulfilled as efficiently and transparently as possible, while being compliant with all applicable laws. The two California Senate Bills which drive the work of the unit are Senate Bill 1421 and Senate Bill 16 which have been codified under 832.7 PC.

SB 1421 requires responsive documents to be released related to the following:

- Discharge of a firearm at a person.
- An officer using force against a person which resulted in death or great bodily injury.
- A sustained finding by any law enforcement agency or an oversight agency of an officer engaged in a sexual assault involving a member of the public.
- A sustained finding by any law enforcement agency or an oversight agency involving dishonesty by an officer.

SB 16 requires responsive documents to be released related to the following:

- A sustained finding involving a complaint that alleges unreasonable or excessive force.
- A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- A sustained finding that a peace officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against

a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

- A sustained finding that an officer made an unlawful arrest or conducted an unlawful search.

AB 748 requires:

- Law enforcement agencies must release audio and video recordings that relate to “critical incidents” (incidents involving the discharge of a firearm by an officer, or an incident in which the use of force by an officer resulted in death or great bodily injury) within 45 days and modifies Government Code 6254 (f)(4).
- The production of critical incident videos is not handled by the MDU. This work is completed by the Chiefs’ Office in conjunction with the Media Unit.

The MDU also fulfills the following responsibilities:

- Organizes and submits RIPA data to the California Department of Justice.
- Disseminates and coordinates public records requests to other units within the Department.
- Manages and prepares appropriate e-mail documents as requested in subpoenas received by Records.
- Coordinates production, distribution, and collection of attestations where CPRA law requires examination of personal, department, or stipend electronic devices.

## V. DUTIES AND RESPONSIBILITIES

A. Sergeant Responsibilities: MDU is managed by two Sergeants who oversee different components of the MDU. These are broken down into two different areas of responsibilities:

### SB1421/SB16 Sergeant

- Oversees the overall staffing of MDU.
- Studies space allocations, document storage and access issues, and makes appropriate recommendations to unit configuration and procedures.
- Develops internal work progress schedules based on statute, litigation, historical, departmental, and other requirements.
- Makes recommendations pertaining to the electronic infrastructure required to meet the mandates of the unit.
- Reviews and assigns incoming cases pertaining to mandated disclosure legislation.
- Conducts review of audio, video, and document production associated with disclosures prior to posting on Mandated Disclosure website.
- Maintains mandated disclosure legislation assignment logs.
- Updates and maintains Mandated Disclosure spreadsheets.
- Checks status and progress of mandated disclosure legislation cases for redaction.
- Uploads qualifying SB1421 and SB16 cases to the city website ([www.sandiego.gov/police/data-transparency/mandated-disclosures](http://www.sandiego.gov/police/data-transparency/mandated-disclosures)).
- Notifies subject officer of pending SB16 and SB1421 releases via their respective chain of command.

- Assists Inspection and Control Sergeants with review of mandated disclosure legislation cases and Inspection & Control assignments.

#### CPRA/RIPA Sergeant

- Reviews and assigns California Public Records Act Requests.
- Provides oversight with the Records Management Analyst to ensure CPRA requests are met and disseminated to applicable units.
- Ensures CPRA requests are and fulfilled within the San Diego Police Department within the statutorily mandated deadlines.
- Plans, organizes, and implements procedures for proper redactions pertaining to mandated disclosure legislation.
- Meets regularly with the Deputy City Attorney to answer MDU's questions and concerns about CPRA production, troubleshoot issues about CPRAs, and to ensure optimal compliance with the law.
- Apprizes the Research, Analysis, and Planning Captain of any unusual occurrences or cases of a sensitive nature.
- Assists the MDU and Inspection and Control Sergeants with review of mandated disclosure legislation cases and Special Projects assignments.
- Oversees submissions of RIPA cards to the California Department of Justice.
- Verifies RIPA cards are properly completed.
- Corrects errors that arise from the Department's daily RIPA submissions.
- Serves as the Department liaison with the California Department of Justice and San Diego Sheriff's Department.
- Ensures the Department meets the yearly compliance requirement concerning Assembly Bill 953, the Racial and Identity Profiling Act of 2015.

- Responsible for creating updates to Department announcements, training bulletins, and conducting training when necessary.
- Assists the MDU Sergeant with review of CPRA requests and mandated disclosure legislation cases.
- Reports department force to the California Department of Justice per AB48, which pertains to the use of kinetic energy projectiles and chemical agents to disperse assemblies, protest, or demonstrations.
- Reports on the use of kinetic energy weapons used during protest to include “zero use” reports monthly, in compliance with AB48.

These roles are subject to modification depending on the number of supervisors staffed within MDU.

Additionally, all sergeants will be responsible for the following:

- Provides overall management and effective performance of MDU staff.
- Assists officers in any work area when needed and in situations which require direct supervision or specialized expertise.
- Plans, organizes, and implements procedures for proper redactions pertaining to mandated disclosure legislation.
- Reviews, evaluates, and provides feedback for reports which have been redacted by MDU Staff.
- Studies space allocations, document storage and access issues, make appropriate recommendations to unit configuration and procedures.
- Compiles and maintains records system documentation, reporting and analysis.
- Develops internal work progress schedules based on legal, historical, Departmental, and other requirements.
- Serves as a liaison between the Police Department and the City Clerk’s Office, the City Attorney’s Office and others on matters related to records affected by mandated disclosure legislation.

- Periodically reviews the adequacy of the unit's computers to determine if there is optimal computing power for the redaction process.
- Provides oversight with the Records Management Analyst to ensure CPRA records requests made through NextRequest are disseminated to applicable units within the San Diego Police Department and fulfilled in a timely fashion.

#### B. Sworn Member Responsibilities:

- Uploads corresponding records to the MDU computer drive for processing.
- Develops necessary skills to keep up to date with evolving redaction software. Test new redaction software to ensure optimal digital tools are being used.
- Attend occasional update trainings on redaction software to stay up to date and working at optimal efficiency.
- Processes and redacts assigned disclosable cases per mandated disclosure legislation.
- Apprizes the sergeant of any unusual occurrences or cases of a sensitive nature during the processing of responsive documents.
- Performs special assignments while maintaining normal workload responsibilities.

#### C. Records Management Analyst Responsibilities:

- Serves as the liaison to the PRA Program and coordinates the Department's response to a request.
- Consults with the City CPRA Program Manager and other staff throughout the Police Department to determine if responsive documents exist.
- Within five (5) calendar days of assignment of the request, communicates whether or not the Department possesses responsive

documents or if additional time is needed and the estimated date on which the disclosable records will be made available.

- If the Records Management Analyst is out of the office during the time in which the city must respond to a request, the secondary Records Management Analyst in the unit will respond to the request.
- Manages and prepares subpoenaed documents regarding e-mail searches. Responsive documents will be completed and returned to Records within the designated time frame stated by the subpoena.
- Redacts documents as required by law prior to production.

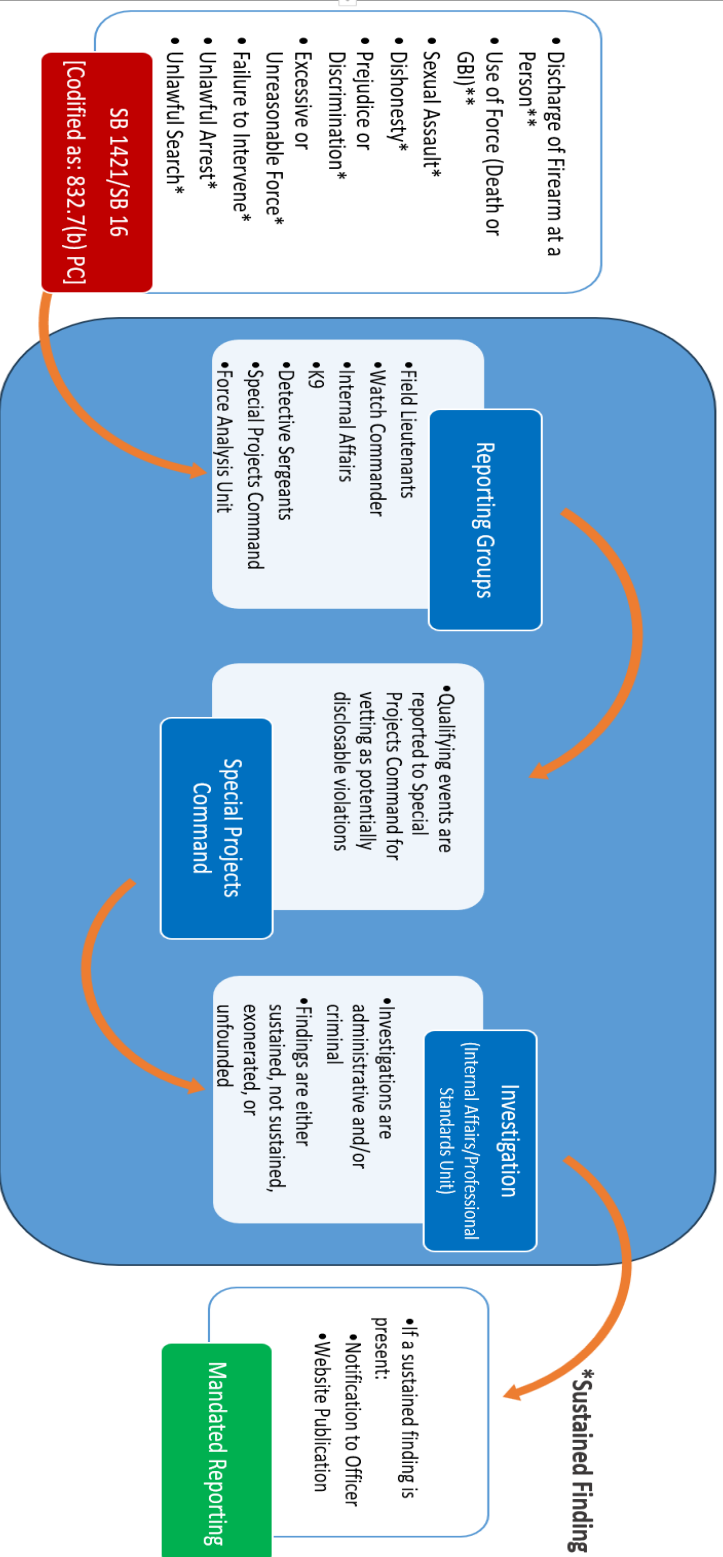
## VI. **UNIT RULES AND REGULATIONS**

### DEPARTMENT SECURITY

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# Senate Bill 16/1421 – SDPD Notification Workflow

## APPENDIX A



Departmental Process

SB 1421/SB 16  
[Codified as: 832.7(b) PC]

Requires a sustained finding: A sustained finding is: Accepts Discipline or All Appeals Exhausted or Resignation (Appeals Deemed Waived)  
No sustained finding required

sandiego.gov

## APPENDIX B

### THE MANDATED DISCLOSURE UNIT

#### Senate Bill 1421

A record relating to the report, investigation, or findings of any of the following:

1. An incident involving the **discharge of a firearm** at a person by a peace officer or custodial officer.
2. An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in **great bodily injury**.
3. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in **sexual assault** involving a member of the public.
4. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of **dishonesty** by a peace officer or custodial 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 or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

#### Senate Bill 16

A record relating to the report, investigation, or findings of any of the following:

1. An incident involving the **discharge of a firearm** at a person by a peace officer or custodial officer.
2. An incident involving the use of force against a person by a peace officer or custodial officer that resulted in death or in **great bodily injury**.
3. A sustained finding involving a complaint that alleges **unreasonable or excessive force**.
4. A sustained finding that an officer **failed to intervene** against another officer using force that is clearly unreasonable or excessive.
5. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer

or custodial officer engaged in *sexual assault* involving a member of the public.

6. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency involving **dishonesty** by a peace officer or custodial 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 or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
7. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving **prejudice or discrimination** against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
8. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an **unlawful arrest or conducted an unlawful search**.

#### **NextRequest Process:**

- ❖ Generally, most SB1421, SB16 and AB748 requests are facilitated through Nextrequest.com, the same as Public Records Act requests. Additionally, a person may make a request through mail, email, phone, fax, or in person to any City employee
- ❖ All requests are received by the City of San Diego via the Public Records Administration Program Manager.
- ❖ The program manager determines which City of San Diego department holds the responsive documents and sends the request to the PRA liaison within the determined department.
- ❖ The Records Management Analysts (RMAs) and PRA Sergeant reviews the request and determines whether the request falls under SB1421, SB16, AB748, or CPRA.
- ❖ Once the PRA liaison determines what type of request it is, the liaison sends the request to the appropriate Department subject

expert or person with the most knowledge who holds the potentially requested documents.

- ❖ The subject matter expert who receives the PRA request either responds back with responsive records, no responsive records, responsive records withheld with applicable exemptions, or responsive records with redactions.
- ❖ If it is a SB1421, SB16, or AB748 request, the SDPD RMAs and PRA Sergeant automatically forwards the request to Internal Affairs, Homicide, Human Resources, and the MDU sergeant.
- ❖ The MDU sergeant locates responsive documents and uploads the documents to the (Deleted – records of security).
- ❖ The MDU sergeant assigns the case to an MDU officer, who then redacts the audio, video, and documentary records.
  - Most of these documents are Homicide case files involving an officer-involved shooting or an in-custody death.
  - These case files generally include written documents, audio files, photographic files, and video files.
- ❖ Once the case file is redacted, the MDU sergeant reviews the case, via the (Deleted – records of security), for accuracy and for the appropriate digital redaction.
- ❖ The MDU sergeant notifies the involved officer and the officer's chain of command through a department memo.
- ❖ Once MDU Sergeant receives verification the officer involved has been served, the MDU sergeant sends the same department memo directly to the involved officer as a confirmation receipt.
- ❖ The MDU sergeant uploads the redacted case file onto City of San Diego Mandated Disclosures website.
- ❖ The MDU sergeant notifies his chain of command once the upload is completed.

### **LOCATING RESPONSIVE DOCUMENTS**

- When an MDU officer is assigned an SB1421 request related to an officer involved shootings or an in-custody deaths, they abide by the following procedures:
  - ❖ The MDU Sergeant receives the Homicide book from Homicide Division in digital format.
  - ❖ The officer scans all the documents in the book and copies all audio/video files, via a USB drive, and uploads onto the (Deleted – records of security).

- ❖ The officer may look on the (Deleted – records of security) for missing documents but must verify with the appropriate person in the Homicide Unit that the document they located is applicable to the specified case and whether there is an existing original document. This is generally the Homicide sergeant supervising the team that investigated the case.
- When an MDU officer is assigned an SB16 or SB1421 request related to a sustained finding by an officer, they abide by the following procedures:
  - ❖ The MDU Sergeant locates the responsive administrative investigative documents in Internal Affairs (IA PRO) if the incident occurred within 5 years.
    - If more than 5 years old, the officer may attempt to locate the responsive documents in Human Resources.
  - ❖ The officer locates the responsive documents related to administrative discipline, if applicable, in Human Resources.
  - ❖ The officer scans all the documents and copies all audio/video files, via a USB drive, and uploads onto the (Deleted – records of security).
- When an MDU officer is assigned an SB1421 or SB16 request related to a use of force incident resulting in GBI, they abide by the following procedures.
  - ❖ MDU unit is notified by one of the reporting groups (See SDPD Notification Workflow)
  - ❖ The officer locates the responsive documents in Records Division and/or NetRMS.
  - ❖ The MDU sergeant confers with command, verifying the GBI.
  - ❖ The officer locates the responsive documents related to administrative discipline, if applicable, in Human Resources.
  - ❖ The officer scans all the documents and copies all audio/video files, via a USB drive, and uploads onto the (Deleted – records of security).

## **RECORDS THAT SHALL BE RELEASED**

### **SB1421 and SB16**

- All investigative reports mandated by Penal Code section 832.7(b)(3)
- All photographic, audio, and video evidence.

- All transcripts or recordings of interviews.
- All materials compiled and presented for review to the District Attorney
  - ❖ The Homicide book
  - ❖ Any Internal Affairs administrative investigations regarding the officer's actions
- All materials related to disciplinary actions imposed on the officer relating to the incident, including documents establishing findings, recommended discipline and final imposition of discipline.

**INFORMATION THAT SHALL BE REDACTED**

**SB1421 and SB16**

- Personal identifying information (PII) of a peace officer.
  - ❖ Including, but not limited to home address, telephone number, identities of family members, personal identification numbers (not work-related), medical information, financial information and/or any other information that would cause an unwarranted invasion of personal privacy that clearly outweighs public interest.
- Personal identifying information (PII) of complainants and witnesses to preserve complete anonymity.
  - ❖ Including, but not limited to, name, home address, work information, telephone numbers, identities of family members, medical information, financial information and/or any other information that would cause an unwarranted invasion of personal privacy that clearly outweighs public interest.
  - ❖ Any information that may lead to the identity of the complainant or witness.

**\*\* Along with the above-mentioned guidelines, follow these additional rules\***

**DOCUMENTS - SHALL REDACT**

- HIPPA information/documents incident for all persons, but not general information regarding injuries suffered during the incident.
  - ❖ Proper example: Officer Smith suffered a gunshot wound to the right arm and was treated for his injuries at Sharp Hospital.
  - ❖ Improper example: Officer Smith suffered a gunshot wound to the right arm and was treated for his injuries at Sharp Hospital. The doctor noted that Officer Smith suffers from sleep apnea,

depression, and high blood pressure, and takes prescribed medications of X, Y, Z.

- ❖ Redact responses indicating an officer is taking medication or suffers from an illness.
- ❖ Redact response to “vision” question on Homicide OIS checklist.
- Information protected by HIPPA includes official medical records/documents, and statements made by a medical professional regarding someone’s medical status/treatment while that person is working in their official capacity.
  - ❖ Example: A father who states his son has been diagnosed with Schizophrenia is not a protected statement under HIPPA. However, the son’s treating physician stating the male is Schizophrenic is protected under HIPPA.
  - ❖ Example: Medical records produced by County Mental Health (CMH), or a hospital is a protected document. A mother showing an officer prescription medication bottles for her son is not protected.
- Any information, if disclosed, that may cause a risk to officer safety, officer tactics, or Department security.
  - ❖ This includes SWAT tactics, secondary weapons, the amount of ammunition carried by the officer, how the Department responds to certain type of events, how to unlock weapons inside of a police vehicle, etc.
- Address of where event occurred **if it is a private residence.**
- All of the Medical Examiner’s report: still include in redacted document file even though it is completely blacked out).
- All criminal history reports for all persons involved and interviewed.
- All Temporary Restraining Order documents.
- All search warrant documents and results, such as cell phone downloads or bank documents.
- All vehicle registration information and documents.
- All firearm serial numbers and rounds of ammunition carried by the officer.
- **Still include these documents in redacted document file even if they are completely blacked out.**

#### PHOTOGRAPHS - SHALL REDACT

- All witnesses and citizens.

- Photographs of injuries or death that may shock the conscious of the general public.
- Photographs of genitals.
- Photographs of license plates and registration information.
- Redact all photos obtained for your case, even if they are repetitive photos.
- Photographs of officers in situations where they would expect a level of privacy.
  - ❖ Example: An officer receiving treatment at a hospital, or photographs of an officer's injury on a body part in which there is an expectation of privacy

### **VIDEO - SHALL REDACT**

- All witnesses
  - ❖ Make sure the redaction box is big enough to conceal the face/identity of the person.
  - ❖ Change or mute the audio, if need be, to disguise the witness' voice.
- Anything in which the officer would have an expectation of privacy.
  - ❖ Examples:
    - Photographs of an officer's family member on their phone or in their car.
    - A private, non-work-related phone conversation the officer is having.
    - An officer entering their passcode on their cellphone.
    - An officer forgetting to turn off his camera when changing clothes or using the restroom.
    - An officer receiving medical treatment.
- Anything that may cause a risk to officer safety, officer tactics, or Department security.
- Mobile Computer Terminal (MCT) displays.
- Injuries to a person that may shock the conscience of the general public.
  - ❖ Make sure redaction box covers the entire area.
- Genitals
  - ❖ Make sure redaction box covers the entire area.
- Once an injured suspect starts receiving medical treatment, stop the video and cut it at that mark unless there are exigent circumstances.
  - ❖ Examples of exigent circumstances:

- A suspect is being transported to the hospital by ambulance and apologizes to the officer for pointing a gun at him.
- A dying declaration
- The officer uses force against the person.
- When redacting ABLE videos, redact/mute sensitive and/or unrelated information audible on their scanning frequencies.
- Use a progressive approach to locate videos for your case if they are not located in the Homicide book. Start with:
  - ✓ Impounds-working copy of video
  - ✓ Homicide G-Drive-working copy of video
  - ✓ Impounds-original copy of video
  - ✓ Evidence.com for BWC videos

### **AUDIO - SHALL REDACT**

- All witness PII, including names.
- If need be, change the tone of the witness' voice to ensure anonymity.
- All officer PII but shall not redact officer's name or work-related information.
- Address of where event occurred **if it is a private residence**.
- Anything that may cause a risk to officer safety, officer tactics, or Department security.
- Previous cases/arrests or criminal history of persons involved, including witnesses.
- Do not include audios into the final "redacted" case file that are not specifically relevant to the actual event and/or relevant to public interest.
  - \*Keep all original audios in "original" files\*
  - ❖ Examples:
    - A citizen calling Dispatch inquiring why ABLE is overhead.
    - A citizen calling Dispatch asking if it's safe for them to leave their house.
    - Dispatch notifying the Watch Commander of an OIS.
    - An officer calling Dispatch inquiring who the on-call team is.
    - An officer asking another officer to switch radio frequencies.
- When redacting extremely long audio (generally Dispatch radio audio), mute the recording after the final relevant transmission is made.
- Conversations with Chaplains in which the two parties are acting as clergyman and confessor.

## NOTIFICATIONS FOR RETIRED, RESIGNED AND SEPERATED EMPLOYEES:

- Prior to responsive documents being publicly released, either by SDPD or an outside agency, the MDU sergeant notifies the involved officer in person, via phone, or via certified mail to the officer's last known address if they cannot be located.

## ADDITIONAL NOTES

- When in doubt, ask a supervisor before you do extensive unnecessary work.
- Remember that witness anonymity is paramount, especially when dealing with high-profile or gang-related events. Be liberal with redaction boxes to conceal identity. Example:
  - ❖ A previous case completed involved neighboring witnesses who had a band and would have their band practice in their garage. All references to the garage band and the witnesses practicing their music together when the event occurred were redacted in this specific case.
- Be aware of an officer's personal privacy, especially with photographs.
  - ❖ Think of how you would feel if you were the officer being photographed in a hospital gown.
  - ❖ The precedent for hospital photographs is to redact most of the officer and leave only the injured area visible.
- If you have a case involving a homicide AND an OIS/ICD/GBI, you need to separate the documents/audio/video/photos **and only include what is relevant to SB1421**, which is generally just the information specifically related to the OIS/ICD/GBI.
  - ❖ Example: A homicide occurs and afterwards an officer shoots the suspect of the homicide. It is likely the homicide book will have all of the documents relating to the homicide crime along with the OIS. These need to be separated.
- In most cases, fire/medical personnel providing treatment to persons involved in the event will not be redacted.
  - ❖ SDFD personnel, paramedics, doctors, nurses, medical professionals are not considered civilian witnesses and **shall not** be redacted.
    - An exception to this rule would be if the person was a victim involved in the incident. Such as the Officer Bihum/Officer

Roman OIS in which the firefighters were considered victims of the 664/187 PC.

- ❖ In most cases, fire/medical personnel providing treatment to persons involved in the event will not be redacted.
- Chaplains present during an event should have the same redaction rules as an officer or SDFD personnel.
  - ❖ The Chaplain's face, name, title, etc., **should not** be redacted, and PII information should be protected just as it is for officers.
- Redactions involving Chaplains should be broadened if the actions are specifically that of a clergyman and confessor. Examples:
  - ❖ A Chaplain is on a ride-along with an officer and an officer's BWC captures a conversation between the two in which the officer specifically asks for guidance in how to deal with his marital problems. This type of conversation should be muted.
  - ❖ A Chaplain is at an OIS scene and aids the family members of the deceased. An officer's BWC captures audio and/video of the Chaplain counseling a family member who tells the Chaplain information regarding the suspect. This type of conversation should be muted.
- Internal Affairs only keeps administrative investigations for five (5) years at which time the documents are purged. Do not attempt to locate administrative investigation documents more than 5 years old. However, discipline records may still be retained with Human Resources in the officer's personnel file.
- **If still in doubt after reviewing all these tips, remember to conduct a balance test.**
  - ❖ **Does releasing this information cause an unwarranted invasion of personal privacy or a significant safety risk that clearly outweighs public interest in the release of the requested records?**

**AB748-** (Note: AB748 production pertaining to OIS/GBI are created by the Chiefs Office in conjunction with Media Unit).

- Redaction rules apply the same as per SB1421.
- Must release relevant video and audio of critical incidents (falling under SB1421 guidelines) within 45 days when requested.

- The MDU officer will immediately redact the most relevant audio and video files of a critical incident (generally an OIS) regardless of whether the Department receives an immediate request for the case.
- The Department can delay release if there is an ongoing criminal or administrative investigation, and disclosure would substantially interfere with the active investigation.
  - ❖ Up to 1 year – must reassess every 30 days and provide notice to requestor.
  - ❖ After 1 year – can only continue to withhold by demonstrating clear and convincing evidence that disclosure would substantially interfere with the investigation.
- Similarly to SB1421, the agency may demonstrate, based on the facts of the case, that the public interest in withholding video and/or audio clearly outweighs the public interest in disclosure because the release of information would violate the reasonable expectation of privacy of a person in the video.