

**SAN DIEGO POLICE DEPARTMENT
ORDER**

DATE/TIME: MARCH 29, 2022 1100 HOURS
NUMBER: OR 22-15
SUBJECT: COMPLAINTS AND SB 16 REQUIREMENTS
COST CENTER: 1914131223
SCOPE: ALL SWORN MEMBERS OF THE DEPARTMENT
DEPARTMENT PROCEDURE AFFECTED: 1.01

On January 1, 2022, California Senate Bill 16 (SB 16) amended California Penal Code 832.5 (PC) to require further retention of complaints and reports or findings related to complaints.

Effective immediately, all complaints and reports or findings related to complaints, including internal command investigations, shall be retained for not less than five (5) years when there is no sustained finding of misconduct, and for not less than fifteen (15) years when there is a sustained finding of misconduct. The retention period begins when the investigation with no sustained findings is concluded, or when the findings are sustained as defined in Penal Code section 832.8(b). This is to include such complaints and investigations where the sworn employee has terminated employment with the Department, regardless of reason for the separation (e.g., retirement, resignation, or discharge, etc.)

Complaints, reports or findings related to complaints, and disciplinary/personnel files shall not be destroyed while a request related to that record is being processed or any process or litigation to determine whether the record is subject to release is ongoing.

Prior to any official determination regarding promotion, transfer, or disciplinary action by the Department, frivolous, unfounded or exonerated complaints shall be removed from the sworn member's personnel file and placed in a separate file for the time it is being reviewed.

The Department continues to evaluate the most appropriate location for storage of complaints and investigations and may make further updates at a later date.

Human Resources Operations Manual and the Discipline Manual for Sworn Personnel will be amended to reflect this change.

Please read at squad conferences and give a copy to all personnel.