

**OFFICE OF THE CHIEF OF POLICE**

**NOTICE**

September 13, 2021

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**TO:** All Department Personnel

**FROM:** Chief of Police

**SUBJECT:** ASSEMBLY BILL 1475 – LAW ENFORCEMENT: SOCIAL MEDIA

On July 23, 2021, Governor Newsom signed into law Assembly Bill (AB) 1475. Effective January 1, 2022, this law prohibits law enforcement agencies from sharing on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime, unless any of the following specified circumstances exist:

- A determination that the suspect is a fugitive or an imminent threat to an individual or to public safety, and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect, or will reduce or eliminate the threat;
- A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or,
- There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

In addition, AB 1475 requires a law enforcement agency that shares on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime to remove the booking photo from its social media page within 14 days, upon the request of the suspect or the suspect's representative, unless the same specified circumstances above exist. ***This requirement applies retroactively to any booking photo shared on social media.***

**Note:** "Nonviolent crime" means any crime not identified in subdivision (c) of California Penal Code (PC) Section 667.5.

The law further requires a law enforcement agency that shares, on social media, a booking photo of an individual arrested for the suspected commission of a crime identified in subdivision (c) of 667.5 PC, to remove the booking photo from its social media page within 14 days, upon request, if the suspect or their representative demonstrates any of the following:

- The suspect's record has been sealed;
- The conviction was dismissed, expunged, pardoned, or eradicated pursuant to law;
- A certificate of rehabilitation was issued;
- The suspect was found not guilty of the crime for which they were arrested; or,

- The suspect was ultimately not charged with the crime or the charges were dismissed.

***This requirement applies retroactively to any booking photo shared on social media.***

For the purposes of AB 1475, “social media” means any electronic service or account, or electronic content, including but not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations.

Assembly Bill 1475 is directed specifically to booking photos and does not apply to the posting of other images, such as security video or other privately captured images provided to a law enforcement agency.

All Areas/divisions wishing to post a booking photo on social media or who receive a request to remove a booking photo, shall, without delay, contact Media Relations Division who will vet the request and take appropriate action within 14 days.

The criminal justice system is based upon the doctrine of “innocent until proven guilty.” The Legislature has found, in certain circumstances, that the posting of booking photos on social media, when there is a low risk to public safety, may automatically convey guilt to its viewers and diminish the presumption of innocence. The purpose of this Notice is to support the spirit of AB 1475 and to familiarize Department personnel with its provisions.

If you have any questions regarding this Notice, please contact Public Communications Group, at (213) 486-5900.



MICHEL R. MOORE  
Chief of Police

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