

OFFICE OF CONSTITUTIONAL POLICING AND POLICY

NOTICE
1.14

December 26, 2024

TO: All Sworn Personnel

FROM: Director, Office of Constitutional Policing and Policy

SUBJECT: CALIFORNIA SENATE BILL 400 – CONFIDENTIALITY OF POLICE OFFICER RECORDS; AND, CALIFORNIA ASSEMBLY BILL 3168 – DEPARTMENT OF MOTOR VEHICLES: CONFIDENTIAL RECORDS

The purpose of this Notice is to inform Department personnel of recent California Assembly and Senate Bills signed into law by Governor Gavin Newsom, concerning the confidentiality of police officer records.

Senate Bill 400

On February 29, 2024, California Senate Bill (SB) 400 was signed into law. The Bill enhances transparency in law enforcement by allowing police departments the discretion to disclose the reasons behind a sworn employee's termination for specific misconduct without violating confidential protocols historically afforded to sworn personnel records.

The intent of SB 400 is to give police agencies more insight into hiring candidates with prior law enforcement employment, especially regarding serious issues such as dishonesty, abuse of power, or other integrity-related matters that might otherwise remain undisclosed. Senate Bill 400 aims to reduce agency liability and increase public trust.

Note: The Department currently releases certain data related to the termination of sworn employees, in compliance with the California Public Records Act (CPRA) for qualified requests. Additionally, the Department sends specific records to California Peace Officer Standards and Training (POST) in accordance with Senate Bill 2 – Peace Officers: Certification: Civil Rights and Senate Bill 1421 – Peace Officer Release of Records.

Assembly Bill 3168

On September 12, 2024, Assembly Bill (AB) 3168 was signed into law. The Bill authorizes police departments to revoke the confidentiality of a sworn Department employee's personally operated vehicle registration with the Department of Motor Vehicles (DMV) if that employee is terminated for misconduct.

Note: Department personnel terminated for misconduct may appeal the decision. The employee's confidentiality with the DMV will remain active until the appeal process has completed (See Memorandum of Understanding, Police Officers, Lieutenant, and Below Representation Unit, Article 9.1., *Matters Subject to an Administrative Appeal*).

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Should additional information be needed, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.

APPROVED:



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