

CLIENT NEWS BRIEF

First Published Case On Issues Raised By SB 1421, Which Requires The Disclosure Of Certain Police Records

The California Court of Appeal for the First Appellate District recently handed down a decision denying Walnut Creek Police Officers' Association's request to stay the enforcement of a February 2019 Superior Court ruling which allowed for the release police records pursuant to Senate Bill (SB) 1421. SB 1421 went into effect on January 1, 2019, amending portions of Penal Code section 832.7 to allow for the disclosure of certain police misconduct records and records related to specific incidents, complaints, and investigations. (See [2018 Client News Brief No. 60](#).)

One of the issues addressed in *Walnut Creek Police Officers' Assn. v. City of Walnut Creek* is the question of whether records created prior to the new SB 1421 were subject to disclosure due to the lack of "retroactive language" in the new law. The appellate court's decision made it clear that records created prior to January 1, 2019, are subject to disclosure under SB 1421 if the request for the records was made after January 1, 2019.

Takeaways

Public Agencies with peace officer employees need to be cognizant that the decision in *Walnut Creek Police Officers' Assn. v. City of Walnut Creek* establishes that certain law enforcement records which were previously confidential are now subject to public disclosure, even if they were created before 2019.

This premise is furthered by the May 17, 2019 press release by California Attorney General, Xavier Becerra, stating that the California Department of Justice will begin producing documents pre-dating January 1, 2019, pursuant to SB 1421. This statement was released following a tentative ruling in San Francisco Superior Court case *First Amendment Coalition v. Becerra*, which also dealt with the SB 1421 disclosure issue.

For more information about SB 1421, the potential issues raised by this new law or about the California Public Records Act in general, please contact the author of this Client News Brief or an attorney at one of our eight offices located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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