
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 16 (Skinner) - Peace officers: release of records

Version: April 15, 2021

Urgency: No

Hearing Date: May 20, 2021

Policy Vote: PUB. S. 4 - 0, JUD. 8 - 1

Mandate: Yes

Consultant: Shaun Naidu

Bill Summary: SB 16 would expand the categories of police personnel records that are subject to disclosure under the California Public Records Act (PRA) and impose certain requirements regarding the time frame and costs associated with such PRA requests.

***** **ANALYSIS ADDENDUM – SUSPENSE FILE** *****

**The following information is revised to reflect amendments
adopted by the committee on May 20, 2021**

Fiscal Impact: Costs to individual state departments that employ officers vary, ranging from minor and absorbable to a significant increase in ongoing workload necessitating the hiring of additional personnel to respond to a greater number of PRA requests and review and redact the records accordingly.

For example, the California Highway Patrol reports personnel costs of \$1.245 million annually for 2.0 Staff Services Managers (SSMs), 6.0 Associate Governmental Program Analysts (AGPAs), and 1.0 Office Technician in order to comply with this measure. The department anticipates that, depending on the number of requests it receives, it would be required to redirect resources and staff to its Public Records Unit from other units and likely would incur an unknown amount of overtime costs during the first year of implementation. (Special fund*)

The Department of Corrections and Rehabilitation report initial two-year costs of \$3.083 million for additional data storage costs, 19.0 AGPAs, and 4.0 SSMs for retroactive redacting staffing costs and annual ongoing costs of \$1.340 million for additional data storage costs, 8.0 AGPAs, and 2.0 SSMs for ongoing redaction staffing costs. The Department of Insurance indicates that this bill will result in the following approximate costs related to an increased in redaction workload: \$8,000 in FY 2021-2022, \$59,000 in FY 2022-2023, and \$14,000 annually thereafter. (General Fund)

The University of California projects increase costs of \$150,000 annually across its system for the additional workload that SB 16 likely would produce. Costs to many state departments and entities that employ peace officers, such as the Department of Justice and the California State University, are unknown but could be significant. Actual costs would depend on a number of factors, including how many officers the entity employs, the frequency and types of interactions those officers have with members of the public, and the actual number of officer personnel record requests under the PRA that are actually made.

*Motor Vehicle Account

Author Amendments: Delay disclosure requirements for pre-2022 records until January 1, 2023, for new categories subject to disclosure by this measure; limit the scope of force records that would be subject to disclosure; expand disclosure require to include a record of a sustained finding of an officer failing to intervene; reduce the record retention period to five years for unsustained records and 15 years for sustained records.

Committee Amendments: Strike penalties and extra attorney's fees and costs.

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