

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

Date: January 6, 2015

To: All Chiefs and Sheriffs

Cc: EDI Operators

Subject: **CPRA REQUEST: RELEASE OF PEACE OFFICER
INFORMATION**

IMMEDIATE ACTION REQUIRED

On December 16, 2014, the Commission on Peace Officer Standards and Training (POST) received a California Public Records Act (CPRA) request from the Los Angeles Times requesting a list of all Peace Officers hired and terminated in the State of California from 1995 to the present.

Background:

On August 27, 2007, the California State Supreme Court ruled that some information in the Peace Officer Database maintained by POST is public information subject to release in response to a CPRA request. For the full text of the court decision, go to:

<http://caselaw.lp.findlaw.com/data2/californiastatecases/s134072.pdf>

In its decision, the California State Supreme Court acknowledged that some peace officers could be at risk if their names were made public. To protect the identity of peace officers assigned to sensitive or hazardous assignments, departments were offered the opportunity to redact the names of what the court recognized as "particular officers." The Supreme Court decision referred to Government Code Sections 6254 subdivision (c) and 6255.

Though the Supreme Court did not list each circumstance that would justify an exemption, the Court did state, as an example, that an exemption would apply to undercover officers who are using their real names during undercover operations. However, if an alias were used by the undercover officer, the officer's real name would be subject to disclosure by POST pursuant to a CPRA request. According to the Supreme Court, this is so because disclosure of the officer's real name would not put the officer at risk in the assignment.

The exemptions asserted by each department should follow the Supreme Court's analysis. These subsequent redactions will be made through POST's encrypted Electronic Data Interchange (EDI) system.



Present Request:

POST will provide all departments the information subject to release through the EDI system. It is recommended that each department designate only one EDI operator to process the department's response back to POST. Once you, the department head, have decided which, if any, names are subject to an exemption and are to be protected from release, the designated EDI operator will use the Public Records Act function in EDI to check the names to withhold and click "Save." If no names are to be redacted, the EDI operator will click the "Do Not Withhold" button to verify they have received this notice. **The Public Records Act Function in EDI will be operational by 5:00 p.m on Wednesday, January 7, 2015.**

Departments wishing to assert an exemption and withhold names from the response to the CPRA request should contact their legal advisor immediately in order to confirm that the exemption being claimed is consistent with the Supreme Court's decision. POST is not the custodian of any information that can be used to justify a department's decision that a particular officer's name should be exempt from disclosure. The officer's employer is the only entity able to claim the exemption and justify withholding names. For this reason, it is expected that if the redacted names are challenged in legal proceedings, the department that claimed the exemption will become involved in the legal proceeding in order to justify the exemption.

To allow departments' sufficient time to respond, it is requested that EDI operators transmit the requested information to POST by **5:00 p.m. on Friday, January 16, 2015.** If departments do not respond to this request, it will be assumed there are no names to be redacted. The requested material is scheduled for release to the Los Angeles Times on **January 30, 2015.**

Questions regarding EDI access may be directed to the POST EDI Manager, Ron Davis, at (916) 227-3892. Questions regarding this CPRA request may be directed to me at (916) 227-2809 or stephanie.scofield@post.ca.gov.

Thank you for your assistance and cooperation in responding to this request.

Sincerely,



STEPHANIE SCOFIELD
Assistant Executive Director
Administrative Services Division