



UPDATE ON LEGAL CHALLENGE TO SB 1421

The San Bernardino County Superior Court issued an order to temporarily halt the retroactive release of police personnel records in response to SEBA's legal challenge regarding Senate Bill 1421.

Senate Bill 1421, which went into effect at the beginning of this year, called for the release of certain peace officer personnel records, including uses of force resulting in death or great bodily injury, officer involved shootings and sustained incidents of dishonesty or sexual assault. SEBA sought to clarify that the law applies only to incidents occurring after January 1, 2019.

SEBA retained Rains Lucia Stern St. Phalle & Silver, PC (RLS) to file the legal challenge on behalf of its members.

Initially, SEBA asked the California Supreme Court to decide on the issue but the high court chose not to address it. SEBA then filed the challenge on the local level. On January 9th, the San Bernardino Superior Court issued a temporary order to block the retroactive release of any police personnel records under the new law until March 11. On March 11th, the Superior Court will hear arguments on the issues and issue a ruling thereafter.

"Our goal is to protect our members' privacy rights in incidents that occurred before this law went into effect" said SEBA President Grant Ward. "We have a strong legal position that the bill shall not be applied retroactively. We are seeking court confirmation so this law can be applied consistently for peace officers throughout California."

The release of those records related to incidents that occurred before the bill's effective date would cause irreparable harm to the statutory and constitutional rights of SEBA members, as peace officers' personnel records received legal protection prior to Senate Bill 1421.

SEBA is not alone in its challenge of SB 1421.

On December 31, 2018, the Los Angeles Superior Court granted a similar stay for the union that represents LAPD officers. The Los Angeles Police Protective League filed a legal suit against the City of Los Angeles and Police Chief from retroactively enforcing Senate Bill 1421. The Los Angeles Superior Court hearing will be held February 5, 2019.

Although there was a nine-day gap between SB 1421's effective date and the granted halt for retroactive release of records, no confidential personnel files were released to the media despite several requests.

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