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5 Attorneys for Petitioner VALLEJO SUN LLC  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SOLANO  
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11 VALLEJO SUN LLC,

12 Petitioner,

13 v.

14 CITY OF VALLEJO,

15 Respondent.  
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Case No. CU25-10261

**DECLARATION OF AARON R. FIELD IN  
SUPPORT OF MOTION FOR  
JUDGMENT GRANTING PETITION FOR  
DECLARATORY RELIEF AND WRIT OF  
MANDATE**

Date: April 29, 2026

Time: 10:00 a.m.

Dept: 3

Judge: Hon. Stephen Gizzi

Action filed: November 5, 2025

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Solano

**01/23/2026 at 08:22:28 PM**

By: K. Schoenberg, Deputy Clerk

1 I, AARON R. FIELD, declare:

2 1. I am a member in good standing of the State Bar of California, a Senior Staff  
3 Attorney at the First Amendment Coalition, and counsel for Vallejo Sun LLC in this action. I  
4 make this declaration of my own personal knowledge, and, if called as a witness, I could testify to  
5 the facts stated herein.

6 2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of a document  
7 that I am informed and believe, based on the Vallejo Police Department website, is the current,  
8 operative version of the Vallejo Police Department's Policy Manual. The excerpt contains the  
9 entirety of Vallejo Police Department Policy 302: Critical Incident – Communication & Outreach.  
10 I downloaded the Policy Manual from the Vallejo Police Department web page located at this  
11 address: [https://www.vallejopd.net/public\\_information/codes\\_policies/policy\\_manual](https://www.vallejopd.net/public_information/codes_policies/policy_manual).

12 3. Attached hereto as **Exhibit B** is a true and correct copy of a slide deck published by  
13 the City in conjunction with a video recording of a public meeting that the City held on September  
14 11, 2025 regarding the shooting of Alexander Schumann by officers of the Vallejo Police  
15 Department. The City has published a video recording of the Town Hall Community Meeting as  
16 well. Both the video and the slide deck remain, as of the time of this declaration, at the following  
17 link to the City's website: <https://vallejoca.portal.civicclerk.com/event/7585/media>.

18 4. Attached hereto as **Exhibit C** is a true and correct copy of a June 25, 2018 Senate  
19 Judiciary Committee Analysis of Assembly Bill 748, which is now codified at Government Code  
20 section 7923.625.

21 5. Attached hereto as **Exhibit D** is a true and correct copy of the final Assembly Floor  
22 Analysis of Assembly Bill 748 (2018), which is now codified at Government Code section  
23 7923.625.

24 6. Attached hereto as **Exhibit E** is a true and correct copy of an August 29, 2025 press  
25 release issued by the Vallejo Police Department regarding the shooting of Mr. Schumann by  
26 Vallejo police officers. I obtained the press release from the Vallejo Police Department's website,  
27 where it remains available as of the time of this declaration at the following link:  
28 <https://conta.cc/3JYayIH/>.

1           7. Attached hereto as **Exhibit F** is a true and correct copy of a September 11, 2025  
2 press release issued by the Vallejo Police Department that conveyed additional information about  
3 the shooting of Mr. Schumann announced and a Town Hall Community Meeting about the  
4 incident. I obtained the press release from the Vallejo Police Department's website, where it  
5 remains available as of the time of this declaration at the following link:  
6 <https://conta.cc/4g8RsTb>.

7           I declare under penalty of perjury that the foregoing is true and correct.

8           Executed on January 23, 2026 at San Francisco, California.

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AARON R. FIELD

1 PROOF OF SERVICE

2 At the time of service, I was over 18 years of age and not a party to this action. I am  
3 employed in the County of Marin, State of California. My business address is 534 4th Street,  
Suite B, San Rafael, CA 94901-3334.

4 On January 23, 2026, I served true copies of the following document(s) described as  
5 **DECLARATION OF AARON R. FIELD IN SUPPORT OF MOTION FOR JUDGMENT**  
6 **GRANTING PETITION FOR DECLARATORY RELIEF AND WRIT OF MANDATE** on  
the interested parties in this action as follows:

7 Katelyn M. Knight, Assistant City Attorney  
8 Kristoffer S. Jacob, Assistant City Attorney  
9 Sukhnandan Nijjar, Deputy City Attorney  
CITY OF VALLEJO, City Hall  
555 Santa Clara Street, 3rd Floor  
Vallejo, CA 94590  
Email: katelyn.knight@cityofvallejo.net;  
10 Sarah.Chesser@cityofvallejo.net

11 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the  
12 document(s) to be sent from e-mail address rregnier@firstamendmentcoalition.org to the persons  
13 at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after  
the transmission, any electronic message or other indication that the transmission was  
unsuccessful.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct. Executed on January 23, 2026, at East Palo Alto, California.

16   
17 Robin P. Regnier

## **Exhibit A**

## Critical Incident - Communication & Outreach

### 302.1 PURPOSE AND SCOPE

The Vallejo Police Department recognizes the importance of maintaining transparency in public service by engaging the community concerning enforcement actions. The Department seeks to build on its partnership with the community, fostering trust through collaboration, communication, optimum information-sharing and the solicitation of input into its review processes and improvement. To this end, the Department will continue to engage and liaise with the media to ensure open dissemination of information regarding departmental activities.

Following an officer involved shooting (OIS) or other critical incident involving the death of a person arising out of the actions of an officer, the Police Department will share information and hold a meeting in the community to provide up-to-date information about the incident, allow for public comments, answer questions and provide timelines for the dissemination of related information from future developments.

Key to transparency, the Police Department has established this policy to ensure open communication with the family of individuals killed or seriously injured arising out of an incident involving a member. In these cases, the Family Liaison will contact the family members of a decedent suspect/citizen and provide a direct point of contact for the family

### 302.2 MEDIA COMMUNICATION

#### Initial Media Communication

Following an officer involved shooting (OIS) or other critical incident involving the death of a person associated with the actions of an officer, the procedures in this policy will initiate. The Public Information Officer (PIO) and Professional Standards Division (PSD) Sergeant will respond to the scene as soon as practicable. If news/media outlets arrive on scene the PIO, or designee will coordinate the media staging area and communicate the location information to the media via email and the VPD website and other social media platforms as appropriate.

As time permits during the initial response to the scene and following, it will be the PIO's responsibility to monitor social media feeds for any potential evidence captured of the incident. Any such content will be brought to the attention of the Professional Standards Division Commander and Investigations Division Commander.

Following a briefing with Command Staff and Investigations personnel close to the case, the initial press release shall be conducted by the Chief of Police or their designee and reviewed by the District Attorney's Office as soon as possible, but no later than 24 hours after the incident. The press release shall be limited to factual information known at the time. The Chief of Police will evaluate the need to hold a press conference. If a press conference is determined to be needed, it will be held within 72 hours of the incident. If a press conference is determined to not be needed, VPD will provide an updated press release with any additional information regarding the case and provide information about the upcoming Town Hall Community Meeting. The reasoning for the press conference not being held will be addressed during the Town Hall Community Meeting.

# Vallejo Police Department

## Vallejo PD Policy Manual

### *Critical Incident - Communication & Outreach*

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#### Press Release Updates

The PIO will be responsible for preparing a press release containing the currently known, factual information. Once the press release is approved by the Chief of Police or designee, it shall be distributed to the media via email and posted to VPD's webpage and social media platforms. The PIO will be the initial point of contact for any media inquiry. Staff will forward all inquiries regarding a critical incident to the PIO.

Within the first week of the incident, as additional information is developed, press release updates shall be issued without delay. It will be the responsibility of the PIO to publish the subsequent press releases which shall be limited to factual information known at the time and in accordance with the guidelines established in the County of Solano Officer Involved Fatal Incident Protocol. The Department shall check with the Solano County Major Crimes Task Force monthly to obtain a case status update which will be provided to the public in a monthly report. Court actions will be posted as they occur. The PIO and Professional Standards Sergeant will consult with the Investigation team prior to press releases to consider current and critical investigative phases (arrests and charging) and the sharing of as much information as possible in the update. These press release updates shall include the date, time and location of the incidents, the entities still conducting ongoing investigations and provide contact numbers for investigating agencies. Once the press releases are approved as required by the Chief of Police or designee, they shall be distributed to the media via email and posted to the Department's webpage and social media platforms. The Professional Standards Lieutenant shall oversee the release of updated information for the duration of open critical incident investigations.

#### **302.3 FAMILY LIAISON**

Following an OIS or other critical incident involving the death or serious bodily injury of a person arising out the actions of a Vallejo police officer, the Investigations Bureau Commander will ensure that a Family Liaison (FL) is immediately assigned to facilitate open communication and transparency with the family and will be included in all media coordination meetings. The FL will be a trained member of the chaplain group who will be contacted as part of the initial notifications following an incident described in this policy.

The FL will be present for the initial next of kin notification with the Solano County Sheriff's Office following an incident and will be responsible for maintaining contact with the affected family throughout the investigation and charging process. The FL will provide support, information regarding the investigative process, updated information and be accessible to answer questions from family members. The FL will not be able to provide confidential investigative information but will act as a coordinator between the family and the investigators, including the Solano County investigators.

The FL will make contact with the affected family at least weekly after the initial meeting until the family states there is no further need for weekly contact by the Liaison. Contact will then be made at least monthly for the duration of the official investigations and inquiries by the family into the incident.

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## Vallejo PD Policy Manual

### *Critical Incident - Communication & Outreach*

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The FL will work with the family to arrange a meeting with the Police Chief immediately following the incident. The Chief of Police or designee will offer to meet with the family within 72 hours of the incident at a mutually available time and location. The goal is to demonstrate the personal commitment to department accountability, explain the actions to come including an independent investigation(s) into the incident and acknowledge the loss experienced by the family during a difficult an emotionally-charged time.

The Investigations Bureau Commander will be responsible for ensuring the FL has access to the Investigations Bureau personnel for proper coordination of, and access to, information relevant updates and other information for the family and to answer questions as they arise. The Investigations Bureau Commander will include the Family Liaison in the monthly staff meetings and media coordination meetings to ensure any new information be made available and to facilitate transparency.

The Professional Standards Lieutenant will be responsible for ensuring the FL has access to the PIO or appropriate Professional Standards staff for any additional information sharing coordination that would not otherwise come from the Investigations Bureau. Prior to any press release, the PIO will ensure timely notification to the FL who will notify the family ahead of the release. The Department will strive to ensure timely and consistent information to the public and affected family.

#### **302.4 TOWN HALL COMMUNITY MEETINGS**

The Vallejo Police Department is committed to transparency by providing the community with accurate and timely information through the use of town hall meetings. A Town Hall Community Meeting shall be held within 14 days of an OIS or other critical incident involving the death or serious bodily injury of a person arising out the actions of an officer. The meeting shall be held as near to the community affected by the incident as practicable. If the above time line or meeting location requirement cannot be met it will be documented in writing to the Chief of Police and explained to the public in the updated press release or Town Hall Community Meeting.

The Investigations Bureau Commander will assume the overall responsibility of the Town Hall Community Meetings, including the release of all available factual information related to the incident and consistent with the law.

The Chief of Police will attend the Town Hall Community Meeting to represent the Department as part of the panel with the PSD, PIO, a City executive from the City Manager's Office and at least one supervisory member of the Investigations Bureau with information regarding the incident under investigation. The Investigation Bureau personnel shall be designated to provide information regarding the incident and facilitate the questions, comments and responses in the meeting.

The PIO shall coordinate the announcement of the Town Hall Community Meeting including the date, time, location. Announcements shall be made no more than 7 days before the Town Hall on the VPD and City website as well as the City's social media platforms. Included in the publicizing of the meeting will be an agenda that establishes time during the meeting for questions and comments from community members to be addressed by the panel. The Department website will

# Vallejo Police Department

## Vallejo PD Policy Manual

### *Critical Incident - Communication & Outreach*

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publish the meeting and solicit questions from members of the community who cannot attend, to be answered in coordination with the release of its information during the meeting.

Information that will be shared at the meeting includes:

- Known information regarding the incident
- The involved officers' names and assignments
- Body-worn camera video and audio
- Other known surveillance video
- Future communication plans and timing

Within seven days following the Town Hall Community Meeting, the PIO will coordinate with City IT to publish the meeting on the VPD website allowing access for those community members who could not attend.

Within seven days following the Town Hall Community Meeting, the PSD and PIO shall meet to review the outcome with the goal of replicating good practice and addressing opportunities to improve. The PIO shall identify any specific action items necessary to adjust for future Town Hall Community Meetings. These will be forwarded to the Captain with oversight of the Professional Standards Division within seven days of the review meeting. The PSD Lieutenant will be responsible for completion of the action items and follow-up to the Captain about their completion.

### **302.5 RELEASE OF VIDEO RECORDINGS**

The Department is committed to release of video evidence as soon as possible in furtherance of the purpose and intent of this policy including increased transparency, public trust, thorough information sharing and community engagement.

Video evidence in the possession of VPD for a critical incident shall be released to the community within 14 days of the knowledge of its existence. Whereas the existence of body-worn camera (BWC) video will be known almost immediately following a critical incident, neighborhood or bystander video may not come to the attention of Department in a timely manner.

BWC video will be published on the Department website. Video recordings generally will be released without alterations or editing. Any enhancement or explanatory features to a video being released will be identified. If any legal restrictions apply, including redactions, these will also be noted at the time the video is released. It will be the responsibility of the Professional Standards Lieutenant to monitor and ensure the release of video evidence in accordance with this policy.

While Department's focus is on the sharing of video evidence with the community and stakeholders as soon as possible, an assessment will be made prior to the release of video evidence that takes into consideration the following:

- The officer(s), family member(s) and involved persons being notified in advance of the decision to make a release.

# Vallejo Police Department

## Vallejo PD Policy Manual

### *Critical Incident - Communication & Outreach*

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- Necessary limitations pursuant to AB 748.

The decision to delay release of recordings based on the above criteria will be made by the Investigation Bureau Commander with approval from the Chief of Police.

#### Public Education of Release Process

The release of BWC recordings can assist with increased transparency as part of contemporaneous information sharing, corroborating evidence, and/or quicker resolution for questions of fact. However, a video recording is only one piece of evidence collected and not a singularly inclusive piece of evidence.

The Professional Standards Division and PIO will prepare educational materials on the release process of BWC recordings for publication to the community and internal stakeholders via the Department website. The publication will be archived with the other website publications retained into history. Members will receive the education training via the automated internal training software which logs the completion of all training required and completed by its members.

#### **302.6 CONTINUITY & COMMUNICATION INTEGRITY**

At the close of cases falling under this protocol policy, the PIO will be responsible for distributing the engagement survey to the community for continued feedback to ensure strategy goals in communication are being met. The community will have access to the survey via the VPD website and social media platforms for two weeks.

Following analysis of the feedback by the PIO and PSD Sergeant, Professional Standards Division will meet with the supervising Captain or Deputy Chief to consider recommending any potential protocol changes within policy for continued improvement.

As part of the ongoing effort for continuous review and improvement of overall transparency and information, communication and coordination of the Family Liaison program will also be evaluated. At the conclusion of each applicable case, the review of effectiveness of the communication to, and coordination with, the family relative to the investigation information and media relations will be completed by the CIRB. Focus shall be on whether the program goals for transparency, support and communication have been met and whether there are any opportunities for improvement. Metrics to be measured will include whether or not the Department was successful in engaging the family timely and consistently. Any Family Liaison program improvements recommended by the CIRB will be forwarded to the Investigations Bureau Commander for implementation.

Press releases, updates, surveys and feedback related to information-sharing in compliance with this policy will be saved in each of the related PSD tracking software case files.

[See attachment: Critical Incident Checklist\\_Policy 302\\_120423.pdf](#)

## **Exhibit B**

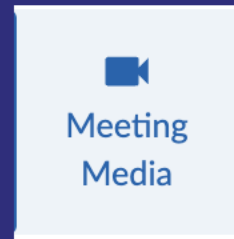


**VALLEJO POLICE DEPARTMENT**  
**AUGUST 29, 2025 CRITICAL INCIDENT**  
**TOWN HALL COMMUNITY MEETING PRESENTATION**

**09/11/2025**



# PLEASE CLICK MEETING MEDIA TO WATCH VIDEO





# AUGUST 29, 2025 O.I.S. PRESS RELEASE

Product Care  
Jiffy Rig Bag® Mailer

#4

- 100% Recycled Paper
- Recyclable with Mixed Paper
- "Naturally" Better



## CHAIN OF CUSTODY

Received from: \_\_\_\_\_

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CSI Forensic Supply 800-237-3000 #12276



# Community Engagement

Each speaker will have three minutes to share their questions, comments, or concerns.



**VALLEJO POLICE DEPARTMENT**  
**AUGUST 29, 2025 CRITICAL INCIDENT**  
**TOWN HALL COMMUNITY MEETING PRESENTATION**

**09/11/2025**

## **Exhibit C**

**SENATE JUDICIARY COMMITTEE**  
**Senator Hannah-Beth Jackson, Chair**  
**2017-2018 Regular Session**

AB 748 (Ting)  
Version: June 14, 2018  
Hearing Date: June 26, 2018  
Fiscal: Yes  
Urgency: No  
MEC

**SUBJECT**

Peace officers: video and audio recordings: disclosure

**DESCRIPTION**

This bill would expand the public's access to video and audio recordings where those records relate to a "critical incident," as specified. This bill would define a video or audio recording as relating to a "critical incident" if it depicts an incident involving a peace officer's use of force or a violation of law or agency policy by a peace officer. This bill would define "use of force" as a peace officer's application of force that is likely to or does cause death or serious bodily injury, and includes, without limitation, the discharge of a firearm or a strike to a person's head with an impact weapon. This bill would allow for the temporary denial of the release of recordings, as specified. The bill contains provisions to protect the privacy of people depicted in recordings.

**BACKGROUND**

The California Constitution provides that the "people have the right of access to information concerning the conduct of the people's business, and therefore... the writings of public officials and agencies shall be open to public scrutiny..." (Cal. Const., art. I, Sec. 3.) The California Public Records Act (CPRA), enacted in 1968, requires public disclosure of public agency documents. The CPRA gives every person the right to inspect and obtain copies of all state and local government documents not exempt from disclosure. (Gov. Code Sec. 6253.) Generally, all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code Sec. 6254.) There are 30 general categories of documents or information that are exempt from disclosure, essentially due to the character of the information. However, a public agency can justify withholding any record by demonstrating that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code Sec. 6255(a).)

The CPRA requires each public agency, upon a request for a copy of records and within 10 days from receipt of the request, to determine whether the request, in whole or in

part, seeks copies of disclosable public records in the possession of the agency and requires the agency to promptly notify the person making the request of the determination and the reasons therefor. The CPRA provides that when it appears to a superior court that certain public records are being improperly withheld from a member of the public, the CPRA requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The CPRA requires the court to award court costs and reasonable attorney fees to the plaintiff if the plaintiff prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney fees to the public agency if the court finds that the plaintiff's case is clearly frivolous.

Law enforcement records are subject to disclosure under the CPRA. However, there are limitations in statute to the disclosure of law enforcement records. Specifically, a law enforcement entity is entitled to deny disclosure to the public of records of investigations if disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation. Proponents of this bill argue that there should be more liberal release of recordings that depict incidents involving a peace officer's use of force or a peace officer's violation of law or a peace officer's violation of agency policies.

Video recordings, whether those from police dash cameras, police body cameras, or cell phones, are increasingly capturing footage of law enforcement interactions with people. In the wake of deaths of black and brown men from guns used by law enforcement, there has been increased pressure on law enforcement to video record what goes on in the field. Various law enforcement entities throughout the state have body cameras on their officers and/or dash cameras on their cars. Presently there is no uniformity regarding whether, when, and how to release recordings. Recordings are often withheld from the public through a justification that they qualify for the investigation exemption to mandatory disclosure under the CPRA. There are some who argue for complete sunshine of police recordings, regardless of who is on the recording. There are others who highlight the importance of protecting the privacy of those in recordings. This bill seeks to strike a balance between the competing interests of privacy, public safety, and the people's right to know what is happening in their government.

This bill passed the Senate Committee on Public Safety on July 11, 2017 with a vote of 5 to 2 vote.

### **CHANGES TO EXISTING LAW**

Existing law, the California Constitution, declares the people's right to transparency in government. ("The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the

writings of public officials and agencies shall be open to public scrutiny....”) (Cal. Const., art. I, Sec. 3.)

Existing law, the California Public Records Act (CPRA), governs the disclosure of information collected and maintained by public agencies. (Gov. Code Sec. 6250 et seq.) Generally, all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code Sec. 6254.) There are 30 general categories of documents or information that are exempt from disclosure, essentially due to the character of the information.

Existing law, for purposes of the CPRA, defines: “public agency” as any state or local agency; “state agency” to include every state office, officer, department, division, bureau, board, and commission or other state body or agency, except for the Legislature and the Judiciary; and “person” to include any natural person, corporation, partnership, limited liability company, firm, or, association. (Gov. Code Sec. 6252(c),(d)&(f).)

Existing law provides that except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, is required to make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. (Gov. Code Sec. 6253(b).)

Existing law requires each agency, upon a request for a copy of records and within 10 days from receipt of the request, to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and requires the agency to promptly notify the person making the request of the determination and the reasons therefor. (Gov. Code Sec. 6253(c).)

Existing law provides that in unusual circumstances, as defined, the 10-day time limit may be extended by written notice from the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension of more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. (Gov. Code Sec. 6253(c).)

Existing law prohibits construing the CPRA to permit an agency to delay or obstruct the inspection or copying of public records. (Gov. Code Sec. 6253(d).)

Existing law provides that the agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of the CPRA, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code Sec. 6255(a).)

Existing law provides that any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code Sec. 6253(a).)

Existing law provides that a response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. (Gov. Code Sec. 6255(b).)

Existing law provides that any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under the CPRA. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time. (Gov. Code Sec. 6258.)

Existing law provides that whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties, and any oral argument and additional evidence as the court may allow. (Gov. Code Sec. 6259(a).)

Existing law provides that if the court finds that the public official's decision to refuse disclosure is not justified under Section 6254 or 6255, he or she shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he or she shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. (Gov. Code Sec. 6259(b).)

Existing law provides that the court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. If the court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency. (Gov. Code Sec. 6259(d).)

Existing law requires specified information regarding the investigation of crimes to be disclosed to the public unless disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation, as specified. (Gov. Code Sec. 6254(f).)

This bill would provide that notwithstanding any other provision of the subdivision (dealing with public safety records), a video or audio recording that relates to a critical incident, as defined may be withheld as provided.

This bill would provide that a video or audio recording relates to a “critical incident” if it depicts an incident involving a peace officer’s use of force or a violation of law or agency policy by a peace officer.

This bill would provide that “use of force” means a peace officer’s application of force that is likely to or does cause death or serious bodily injury, and includes, without limitation, the discharge of a firearm or a strike to a person’s head with an impact weapon.

This bill would provide that a video or audio recording that relates to a critical incident may be withheld only as follows:

- During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days from the date of the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to the above paragraph, the agency shall provide in writing to the requester the specific basis for the agency’s determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.
- After 45 days from the date of the incident, the agency may continue to delay disclosure of a recording if the agency demonstrates by clear and convincing evidence that the interest in preventing interference with an active investigation outweighs the public interest in disclosure. If an agency delays disclosure pursuant to this clause, the agency shall promptly provide in writing to the requester the specific basis for the agency’s determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 15 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

This bill would provide that if the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with

the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

This bill would specify that except as provided in the subsequent paragraph regarding an active investigation, if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described above and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following:

- the subject of the recording whose privacy is to be protected, or his or her authorized representative;
- if the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected; or
- if the subject whose privacy is to be protected is deceased, a member of his or her immediate family, as defined in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

This bill would provide that disclosure pursuant to the above paragraph would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the video or audio recording. Thereafter, the recording may be withheld by the agency for 45 calendar days, subject to the 15 day extensions detailed above.

This bill would provide that an agency may provide greater public access to video or audio recordings than the minimum standards set forth above.

This bill would provide that the above provisions do not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a "critical incident."

### COMMENT

#### 1. Stated need for the bill

According to the author:

Transparency between law enforcement and the communities they protect is critical to establishing and maintaining good relationships. Current law does not require law enforcement agencies to maintain a policy on how it does or does not release recordings made by body cameras. As a result, the public may not know how or if such recordings may be requested, which adds confusion and controversy to already sensitive situations, like the days following an incident of violence involving law enforcement. AB 748 seeks to remedy this

issue by setting a floor for law enforcement agencies to comply with so that both the public and the agencies have transparency on when the recordings should be released.

According to the California News Publishers Association, sponsors of the bill:

The public's interest in public access to information about law enforcement activity is "particularly great" when there is a violation of law or agency policy, and when an officer uses force that may lead to serious bodily injury or death. [citation omitted]

Video footage which depicts an officer's serious use of force, or a violation of law or policy, often provides the best evidence of the "facts and circumstances" of an incident of high public concern between a member of the public and a police officer. [citation omitted] Regular disclosure of this footage reassures the public that law enforcement is not suppressing facts to support its version of events in critical incidents.

AB 748 would establish a minimum, enforceable, statewide standard that affords the public access to audio and video footage of critical incidents. This follows a trend among local police agencies that have established their own policies for disclosure. The bill is modeled in part on the policy recently implemented by the Los Angeles Police Department, which established a rule to generally require disclosure of records of a critical incident within 45 days.

Like the LAPD policy, AB 748 gives agencies the flexibility to withhold records of critical incidents for longer than 45 days if necessary to protect the due process interests of an individual or an active investigation. AB 748 also adds to the privacy protections related to the disclosure of body camera footage as established in AB 459 (Chau), which was signed into law last year.

AB 748 is a balanced approach that takes into account the various interests in nondisclosure while ultimately mandating the release of body camera footage and other similar files when there is a paramount interest in public disclosure.

## 2. Efforts to pass legislation regarding disclosure of police video recordings

In an effort to build trust between law enforcement and the communities they serve, many communities and departments have employed officer-worn body cameras so that the public may have a realistic account of police work. Yet, despite this climate, under the CPRA the police maintain largely unfettered discretion to withhold records that are relevant to the public interest. Most recordings will arguably fall under the investigatory exemption, and records that do not fall within an exemption can be withheld under a "catchall" provision which requires only a balancing test (*see* Comment 3 below).

In 2015, AB 66 (Weber) sought to tackle the issue of access to body-camera recordings by requiring that law enforcement agencies comply with set guidelines, including a mandate that policies be posted conspicuously on the agency's website, and a prohibition on the copying of camera files for personal use. The bill also provided a list of suggested guidelines that law enforcement agencies must consider in adopting their own policies. That bill failed passage in the Assembly Committee on Appropriations. Another bill from 2015, AB 1246 (Quirk), aimed to prohibit the disclosure of a recording made by a body-worn camera, except to the person whose image is recorded by the camera. That bill failed passage in the Assembly Committee on Public Safety. SB 175 (Huff and Gaines, 2015), sought to require each police department using body-worn cameras to adopt a policy relating to the use of those cameras. It also required that the policies were developed in accordance with specified acts governing employee organizations, with designated representatives of nonsupervisory officers. That bill failed on the Assembly Floor.

In 2016, AB 1940 (Cooper) again attempted to require police departments which use body-worn cameras to adopt a policy pertaining to the use of the cameras. Among its objectives was to require law enforcement agencies to have a policy to prohibit a peace officer from making a video or audio recording in a health facility or medical office when a patient may be in the view of the body-worn camera, or when a health care practitioner is providing care to an individual. However, that bill required that officers be permitted to view body camera footage prior to the drafting of police reports. That bill, like its predecessors, did not become law. It failed passage in the Senate Committee on Public Safety. AB 2533 (Santiago, 2016) would have provided that a public safety officer shall be entitled to a minimum of three business days' notice before a public safety department or other public agency releases on the Internet any audio or video of the officer recorded by the officer. The bill failed passage in the Senate Committee on Public Safety. Finally, AB 2611 (Low, 2016) sought to amend the CPRA to prohibit disclosure of any audio or video recording depicting the death of a peace officer unless authorized by the officer's immediate family. That bill failed in the Assembly Judiciary Committee.

AB 748 is the latest legislative attempt to strike the right balance between protecting the integrity of investigations and ensuring transparency of video and audio recordings that relate to a "critical incident," defined as depicting an incident involving a peace officer's use of force or a violation of law or agency policy by a peace officer. This bill would define "use of force" as a peace officer's application of force that is likely to or does cause death or serious bodily injury, and includes, without limitation, the discharge of a firearm or a strike to a person's head with an impact weapon. This bill contains provisions to protect the privacy of those depicted in the recordings and that allow for the protection of the recordings during investigations, as specified.

These provisions could benefit from technical amendments to ensure that the provisions are not misinterpreted.

Amendment 1

On page 7, line 37, after: force  
Insert: ,

Amendment 2

On page 7, line 37, after: law  
Insert: by a peace officer

Amendment 3

On page 7, line 37, before: agency policy  
Insert: a violation of

3. Bill affects records that fall under the investigatory exemption

The California Public Records Act (CPRA) provides that public records are open to inspection at all times during the office hours of a state or local agency, and that every person has a right to inspect any public record, unless otherwise exempted from disclosure. Existing law further provides, that in the event that a record contains non-disclosable information, "any reasonably segregable portion of the record shall be available" to the requestor. (Gov. Code Sec. 6253.)

Notably, records of complaints and investigations conducted by the police, or any investigatory or security files compiled by the police are exempted from disclosure under the CPRA. (Gov. Code Sec. 6254(f).) With regard to records that are not covered by an exemption, police agencies may withhold any record if "on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by the disclosure of the record." (Gov. Code Sec. 6255.) Furthermore, while public records laws may have been passed to promote good governance and public accountability, the CPRA does not "allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure." (Gov. Code Sec. 6257.5.) Thus, public records may be used for any purpose, including for commercial purposes, and custodians of public records are advised to not inquire into the motives behind the request.

This bill would require the disclosure of certain audio or visual records that a law enforcement agency would otherwise be able to withhold under the investigatory exemption. However, the expansion of records that would now be available is a very small universe. The expansion only applies to video or audio recordings that relate to an incident involving a peace officer's use of force or a violation of law or agency policy by a peace officer. A law enforcement agency could withhold a recording for a period of 45 days from the incident, and subsequent 15 day periods of time, under specified

circumstances. To ensure that there is a legitimate justification for the withholding, the law enforcement entity would have to provide the reasons for the withholding in writing to the requester.

In opposition, the California Police Chiefs Association writes:

Under AB 748, law enforcement agencies would have only 45 days to withhold investigative footage from the time a critical incident takes place, which is broadly defined by the measure as ANY violation of law or internal department policy, use of force LIKELY to cause death or serious bodily injury or discharge of a firearm or strike to person's head with an impact weapon. Under this definition, minor policy violations and minor use of force incidents would result in the same disclosure requirements as a deadly office-involved shooting – clearly those are vastly different scenarios that do not necessarily merit the same level of public scrutiny.

After 45 days, this measure would require the agency to request a 15-day extension upon proof, by clear and convincing evidence (which is our highest civil standard), that disclosure would interfere with an active investigation. The agency must then reassess withholding the investigative footage every 15 days AND provide notifications to each requester.

The California State Sheriffs' Association, in opposition, writes:

Local agencies should maintain the authority to determine when and how such recordings should be released including whether they will be released at all. Even if an investigation is ongoing, the language specifies that a recording may be withheld, but only for 45 days unless the agency notifies the requester of the recording every 15 days after the first 45 days as to the reason for non-disclosure. Ultimately, however, AB 748 provides that the recording must be disclosed thereby mandating the public release of information that could be crucial evidence in a pending criminal case.

#### 4. Offers privacy protections for those depicted in the recordings

On a daily basis, police interact with individuals whose identities are sensitive, such as confidential informants and witnesses, and with people at very low or vulnerable points in their lives, including individuals being arrested and victims giving emotional or graphic statements. Public disclosure of many of these interactions could violate a person's privacy without serving any legitimate public interest. If constantly recording, body camera footage may also compromise the privacy of the officers wearing a camera.

Thus, depending on the circumstances, police camera footage may be intrusive for both police officers and members of the public. However, such devices have been shown to

reduce violence, improve evidence gathering, and increase police legitimacy. The use of cameras ensures that both the police and the public they interact with are “on their best behavior.” Ultimately, the goal of equipping police officers with body cameras is to provide a record of police conduct, which should improve public trust in the police. That being said, failing to protect the privacy of individuals may have the unintended consequence of chilling the public’s willingness to engage with the police investigations, and thus limit the agency’s ability to adequately serve the community.

Existing law, recognizing the need for a balance between transparency and privacy, requires that even when a record contains information or material that is non-disclosable, “any reasonably segregable portion of a record shall be made available.” Similarly, this bill would provide that if the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer’s ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered. The bill would also specify that, except in the context of active investigations, if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following:

- the subject of the recording whose privacy is to be protected, or his or her authorized representative;
- if the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected; or
- if the subject whose privacy is to be protected is deceased, a member of his or her immediate family, as defined in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

This provision ensures that the agency does not invoke a requester’s own reasonable expectation of privacy in order to deny that person a recording of the critical incident.

This bill is intended to prevent law enforcement from delaying the release of video and audio of law enforcement use of force, law enforcement breaking the law and law enforcement violating agency policy. Simply put, the goal of this bill is to prevent law enforcement from hiding behind the investigation exception and privacy exception in order to justify not releasing video and audio recordings.

The provisions of this bill arguably strike the right balance between withholding recordings to protect the integrity of investigations, shining light on police misconduct, and protecting the privacy of those who are depicted in recordings.

Support: American Civil Liberties Union; California Attorneys for Criminal Justice; California Broadcasters Association; California Civil Liberties Advocacy; California Newspaper Publishers Association; California Public Defenders Association; Motion Picture Association of America, Inc.; Oakland Privacy;

Opposition: Association of Orange County Deputy Sheriffs; California Association of Highway Patrolmen; California District Attorneys Association; California Law Enforcement Association of Records Supervisors; California Police Chiefs Association; California Police Protective League; California State Association of Counties; California State Sheriffs' Association; City of Palmdale; Fraternal Order of Police; League of California Cities; Long Beach Police Officers Association; Peace Officers Research Association of California; Police Officers Research; Riverside Sheriffs' Association; Sacramento County Deputy Sheriffs; San Joaquin County Hispanic Chamber of Commerce

## **HISTORY**

Source: American Civil Liberties Union of California; California News Publishers Association

Related Pending Legislation: SB 1421 (Skinner, 2018)

### **Prior Legislation:**

AB 459 (Chau, Ch. 291, Stats. 2017) provides that public agencies are not required to disclose video or audio created during the commission or investigation of the crimes of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. This bill requires the agency to justify withholding such a video or audio recording by demonstrating that the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording. This bill provides factors for the agency to consider in making such a determination. This bill requires public agencies to permit a victim of a crime depicted in such videos to inspect the recording and obtain a copy.

AB 2533 (Santiago, 2016), *See* Comment 2.

AB 1957 (Quirk, 2016), *See* Comment 2.

AB 1940 (Cooper, 2016), 2016, *See* Comment 2.

AB 748 (Ting)

Page 13 of 13

SB 175 (Huff, Gaines, 2015) *See* Comment 2.

AB 66 (Weber), 2015, *See* Comment 2.

Prior Vote:

Senate Public Safety Committee (Ayes 5, Noes 2)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 16, Noes 0)

Assembly Judiciary Committee (Ayes 11, Noes 0)

Assembly Public Safety Committee (Ayes 7, Noes 0)

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## **Exhibit D**

CONCURRENCE IN SENATE AMENDMENTS

AB 748 (Ting)

As Amended August 23, 2018

Majority vote

ASSEMBLY: 77-0 (May 11, 2017) SENATE: 24-13 (August 28, 2018)

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COMMITTEE VOTE: 5-2 (August 31, 2018) RECOMMENDATION: concur  
(Pub. S.)

Original Committee Reference: **PUB. S.**

**SUMMARY:** Establishes a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.

**The Senate amendments:**

- 1) Provides that, commencing July 1, 2019, an audio or video recording that relates to a critical incident, as defined, may only be withheld as follows:
  - a) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this paragraph, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure;
  - b) After 45 days from the date the agency knew or should have known about the incident, and up to one year from that date the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay the disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this clause, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved;
  - c) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the

expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered;

- d) If the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction and that person's interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted or un-redacted, shall be disclosed promptly, upon request, to any of the following:
  - i) To the subject of the recording or his or her authorized representative;
  - ii) To the parent or legal guardian of the subject, if the subject is a minor; and,
  - iii) To an heir, beneficiary, designated immediate family member, or authorized legal representative of the subject, if subject is deceased.
- 2) Provides that if disclosure, as specified, would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the video or audio recording. Thereafter, the recording may be held for 45 days, subject to extensions, as specified.
- 3) States that an audio or video recording relates to a critical incident if it depicts any of the following incidents:
  - a) An incident involving the discharge of a firearm at a person by a peace officer or a custodial officer; and,
  - b) An incident in which the use of force by a peace officer or custodial officer against a person that resulted in death or great bodily injury.
- 4) Provides that an agency may provide greater public access to audio or video recordings than the established minimum standards.
- 5) States that the above standards do not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a critical incident, as specified.
- 6) Provides that a peace officer does not include any peace officer employed by the California Department of Corrections and Rehabilitation

#### **EXISTING LAW:**

- 1) Specifies that no public safety officer shall be required as a condition of employment by his or her employing public safety department or other public agency to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if that

officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family.

- 2) States that based upon his or her reasonable belief that the disclosure of his or her photograph or identity as a public safety officer on the Internet may result in a threat, harassment, intimidation, or harm, the officer may notify the department or other public agency to cease and desist from that disclosure.
- 3) States that after the notification to cease and desist, the officer, a district attorney, or a United States Attorney may seek an injunction prohibiting any official or unofficial use by the department or other public agency on the Internet of his or her photograph or identity as a public safety officer.
- 4) Provides that the court may impose a civil penalty in an amount not to exceed \$500 per day commencing two working days after the date of receipt of the notification to cease and desist.
- 5) Establishes the CPRA and provides that the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.
- 6) Defines "public records" as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." "Writing" means "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."
- 7) Makes public records open to inspection at all times during the office hours of the state or local agency. Every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.
- 8) Provides that, except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- 9) Requires the public agency, when a member of the public requests to inspect a public record or obtain a copy of a public record, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, to do all of the following, to the extent reasonable under the circumstances:
  - a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;

- b) Describe the information technology and physical location in which the records exist; and,
  - c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- 10) States that the above provision does not apply when the public agency determines that the request should be denied and bases that determination solely on an exemption listed in section 6254, as specified.
- 11) States that, except as in other sections of the CPRA, this chapter does not require the disclosure of specified records, which includes among other things: records of complaints to, or investigations conducted by specified agencies, including any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.
- 12) Provides, notwithstanding any other law, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:
- a) The full name and booking information of all persons arrested;
  - b) Calls for service logs and crime reports, subject to protections for protecting the confidentiality of victims; and,
  - c) The addresses of individuals arrested by the agency and victims of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator.
- 13) Requires the agency to justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- 14) Authorizes any person to institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.

**AS PASSED BY THE ASSEMBLY, this bill:**

- 1) Provided that no later than July 1, 2018, each department or agency that employs peace officers and that elects to require those peace officers to wear body cameras shall develop a policy setting forth the procedures for, and limitations on, public access to recordings taken by body-worn cameras.
- 2) Required the body-worn camera policy to allow public access to the fullest extent required by the California Public Records Act (CPRA).

- 3) Provided that the department or agencies that elect to require officers to wear body-worn cameras shall conspicuously post the policy on its Internet Website.

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- 1) Ongoing costs of approximately \$520,000 annually to the California Highway Patrol for 2.0 new sergeant positions within the department's Office of Internal Affairs to review, redact where appropriate, and determine if video and audio recordings of critical incidents that are requested can be disclosed to the public. (Special fund\*)
- 2) Ongoing costs of approximately \$412,000 annually to the Department of Justice for 2.0 new Audio Visual Specialists and 1.0 new Associate Governmental Program Analyst within the department's Division of Law Enforcement to review, redact where appropriate, and determine if video and audio recordings of critical incidents that are requested can be disclosed to the public. (General Fund)
- 3) Unknown, potentially-major non-reimbursable costs in the aggregate to local law enforcement agencies to review video and audio recordings, redact when appropriate and possible, and release pursuant to record requests. (Local funds)

\*Motor Vehicle Account, State Transportation Fund

**COMMENTS:** According to the author, "Transparency between law enforcement and the communities they protect is critical to establishing and maintaining good relationships. For those law enforcement agencies that have chosen to deploy body cameras on their officers, this bill simply requires these agencies to adopt and post a policy on how the public may seek access to the body camera recordings. Too often, confusion about public access to these recordings exacerbates sensitive or controversial situations."

**Analysis Prepared by:** Gregory Pagan / PUB. S. / (916) 319-3744

FN: 0005209

## **Exhibit E**

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**FOR IMMEDIATE RELEASE**

**DATE:** August 30, 2025

**MEDIA INQUIRIES:** Sgt. Rashad Hollis, Public Information Officer

**[Vallejopolicepio@cityofvallejo.net](mailto:Vallejopolicepio@cityofvallejo.net)**

**VALLEJO POLICE DEPARTMENT  
AUGUST 29, 2025  
O.I.S. PRESS RELEASE**

**Vallejo, CA** - On August 29, 2025, at approximately 6:01 p.m., officers from the Vallejo Police Department responded to the 2000 block of Ascot Parkway for a report of a possible vandalism to a vehicle in progress.

Officers were also advised that the subject was wanted on several outstanding felony and misdemeanor arrest warrants.

Upon arrival, the officers

located the subject, who immediately walked towards them and pointed what



appeared to be a handgun at them, resulting in an officer-involved shooting. Officers immediately rendered medical aid, and the subject was transported to an area hospital via helicopter, where he remains in stable condition. The weapon was located at the scene and appeared to be a pellet/BB gun.

This is an active and ongoing investigation. The Solano County Major Crimes Task Force responded to the scene and has assumed responsibility for the criminal investigation. The City of Vallejo has retained an independent investigator to initiate an administrative investigation into this incident. In addition, a Vallejo PD Critical Incident Review Board will be convened to evaluate this incident and conduct a comprehensive review of the department's tactics, training, supervision, equipment, and after-action response.

The subject involved has been identified as Alexander Schumann, a 24-year-old biracial male Vallejo resident.

The department will be convening a town hall meeting in the next 7 to 14 days, where more information regarding this incident will be provided.

The Vallejo Police Department remains committed to transparency and will provide more information as it becomes available.

###

111 Amador Street | Vallejo, CA 94590 | [vallejopd.net](http://vallejopd.net)

City of Vallejo | 555 Santa Clara Street | Vallejo, CA 94590 US

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## **Exhibit F**

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**FOR IMMEDIATE RELEASE**

**DATE:** September 4, 2025

**MEDIA CONTACT:** Sgt. Rashad Hollis,  
Public Information Officer -  
Vallejo Police Department -  
VallejoPolicePIO@cityofvallejo.net



**VALLEJO PD TO HOST COMMUNITY TOWN HALL ON  
SEPTEMBER 11, 2025 FROM 6:00 P.M. - 8:00 P.M.**

A blue poster for a Town Hall Meeting. The text "Officer Involved Shooting (OIS)" is at the top in yellow. Below it, "TOWN HALL MEETING" is written in large white letters. To the right, the Vallejo Police Department logo is shown. The event details are listed: Thursday, September 11, 2025, 6:00 PM - 8:00 PM, at Jesse Bethel High School, 1800 Ascot Parkway, Vallejo, CA 94591. A note states the meeting is to address the recent officer-involved shooting that occurred on August 29, 2025. At the bottom, contact information for Sgt. Hollis is provided: 707-567-4233 or Rashad.Hollis@cityofvallejo.net.

**Officer Involved Shooting (OIS)**

**TOWN HALL MEETING**

Thursday,  
September 11, 2025

6:00 PM - 8:00 PM  
Jesse Bethel High School,  
1800 Ascot Parkway,  
Vallejo, CA 94591

This meeting is to address  
the recent officer-involved  
shooting that occurred on  
August 29, 2025.

For more information, contact Sgt. Hollis at  
707-567-4233 or Rashad.Hollis@cityofvallejo.net



**VALLEJO, CA** –The Vallejo Police Department invites you to attend a Community Town Hall meeting on **Thursday, September 11, 2025, from 6:00 to 8:00 p.m.** The meeting will be held at Jesse Bethel High School (Student Union Cafeteria), located at 1800 Ascot Parkway, Vallejo, CA. The department is hosting this meeting to address the recent officer-involved shooting that occurred on August 29, 2025.

On August 29, at approximately 6:01 p.m., officers from the Vallejo Police Department responded to a report of possible vandalism to a vehicle in the 2000 block of Ascot Parkway. They were informed that the subject involved was wanted on several outstanding felony and misdemeanor warrants.

Upon arrival, the officers located the subject, who immediately walked towards them and pointed what appeared to be a handgun at them, resulting in an officer-involved shooting. Officers immediately rendered medical aid, and the subject was transported to an area hospital via

helicopter, where he remains in stable condition. The weapon located at the scene was later determined to be a pellet/BB gun.

This is an active and ongoing investigation. The Solano County Major Crimes Task Force responded to the scene and has assumed responsibility for the criminal investigation. The City of Vallejo has retained an independent investigator to initiate an administrative investigation into this incident. In addition, a Vallejo Police Department Critical Incident Review Board (CIRB) will be convened to evaluate this incident and conduct a comprehensive review of the department's tactics, training, supervision, equipment, and after-action response.

The subject involved has been identified as Alexander Schumann, a 24-year-old biracial male and a resident of Vallejo.

Officer Daniel Saravia, badge #759, and Officer Himanshu Saini, badge #760, were involved in this shooting. Both officers had been with the department for three years and were assigned to the Patrol Division at the time of the incident. Immediately following the event, Officers Saravia and Saini were placed on administrative leave per department policy.

The Vallejo Police Department is hosting this town hall meeting to provide maximum transparency and inform the public about the incident as well as the internal processes initiated after an officer-involved shooting. These processes include the responsibility of the Solano County Major Crimes Task Force, the role of the independent investigator conducting the administrative investigation, and our internal CIRB.

We encourage Vallejo community members and stakeholders to attend this town hall. We look forward to hearing your questions and concerns and engaging with you.

For media inquiries, please contact Public Information Officer, Sergeant Rashad Hollis, by email at [VallejoPolicePIO@cityofvallejo.net](mailto:VallejoPolicePIO@cityofvallejo.net) or by phone at (707) 567-4233.

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**For more news and information, please  
visit our new website at [www.vallejopd.net](http://www.vallejopd.net).**



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