
Assembly Bill 1475 Procedure

347.1 PURPOSE AND SCOPE

On July 23, 2021, Assembly Bill 1475 became law. This bill prohibits law enforcement agencies from sharing, on social media, booking photos of individuals arrested on suspicion of committing a nonviolent crime. The bill also requires law enforcement agencies that share, on social media, booking photos of individuals arrested for the suspected commission of a nonviolent crime to remove the information from their social media platforms, upon request, unless specified circumstances exist. Assembly Bill 1475 shall apply retroactively to all booking photos shared on any Union City Police Department social media platform.

347.2 DEFINITIONS

“Nonviolent crime” means a crime not identified in subdivision (c) of Section 667.5.

347.3 DISSEMINATING BOOKING PHOTOS ON SOCIAL MEDIA

Members of the Union City Police Department shall not share, on social media, booking photos of individuals arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

- (a) It has been determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- (b) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (c) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

347.4 REQUEST TO REMOVE BOOKING PHOTOS

Booking photos of individuals arrested for the suspected commission of a nonviolent crime shall be removed from the Union City Police Department's social media platforms within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, unless any of the following circumstances exist:

- (a) It has been determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- (b) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (c) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

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Booking photos of individuals arrested for the suspected commission of a crime identified in subdivision (c) of Section 667.5 (Violent Felony) shall be removed from the Union City Police Department's social media platforms within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, if the individual or their representative demonstrates any of the following:

- (a) The individual's record has been sealed.
- (b) The individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law.
- (c) The individual has been issued a certificate of rehabilitation.
- (d) The individual was found not guilty of the crime for which they were arrested.
- (e) The individual was ultimately not charged with the crime or the charges were dismissed.

347.5 REQUESTS FOR BOOKING PHOTOS TO BE REMOVED

All requests to remove booking photos from department social media platforms shall be forwarded to and reviewed by the Social Media Team supervisor or his/her designee. If the request is approved, the Social Media Team supervisor or his/her designee shall remove the booking photo from the appropriate social media platform(s). All requests and booking photo removals shall be logged into the AB1475 log located on the [REDACTED].

347.6 REVISIONS

Procedure Adopted: August 26, 2021