



# COMMUNITY SERVICES BUREAU – MEDIA UNIT

Presentation on California Assembly Bill 1475  
(Use of Booking Photos on Law Enforcement Social Media)

**Community Policing Review Commission**

May 25, 2022

**RPDonline.org**

# MEDIA UNIT



*Humility & Grit*

RPD uses social media to connect with our community, in addition to sharing information about crime, safety, and services. Our agency has active accounts on Facebook, Twitter, YouTube, NextDoor, and Ring Neighbors.

Visitors to our sites will find press releases, public service announcements, critical incident debrief videos, and details about community activities, which can provide opportunities to interact directly with members of the police department.



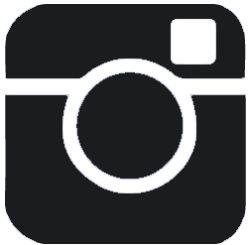
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The Media Unit is responsible for the release of information to the public via local news organizations, distribution of press releases, use of social media, and the production and release of critical incident videos.



**Facebook, Instagram, Twitter, YouTube, Nextdoor, Ring Neighbors**



# CALIFORNIA ASSEMBLY BILL 1475

## Law Enforcement Social Media:

Existing law requires law enforcement agencies, departments, or entities to consider specified best practices regarding the downloading and storage of body-worn camera data, including prohibiting agency personnel from uploading recorded data onto public and social media internet websites, when establishing policies and procedures for the implementation and operation of a body-worn camera system.

This bill would prohibit a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime, as defined, unless specified circumstances exist. The bill would require a police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime to remove the information from its social media page, upon request, unless the same specified circumstances exist. The bill would require a police department or sheriff's office to remove the booking photo of a person who has committed any other crime from social media if the individual's record has been sealed, the individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law, the individual has been issued a certificate of rehabilitation, the individual is found not guilty of committing the crime for which they were arrested, or the individual was ultimately not charged with the crime or the charges were dismissed.



# CALIFORNIA ASSEMBLY BILL 1475

## California Penal Code 13655 (a):

**(a) A police department or sheriff's office shall not share, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:**

(1) A police department or sheriff's office has 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.

(2) 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.

(3) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

(b) (1) A police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime shall remove the booking photo from its social media page 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 circumstances described in subdivision (a) exist.

**(2) A police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a crime identified in subdivision (c) of Section 667.5 shall remove the booking photo from its social media page 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.

(3) This subdivision shall apply retroactively to any booking photo shared on social media.

(c) For purposes of this section, the following terms have the following meanings:

**(1) "Nonviolent crime" means a crime not identified in subdivision (c) of Section 667.5.**

(2) "Social media" has the same meaning as in Section 632.01, except that social media does not include an internet website or an electronic data system developed and administered by the police department or sheriff's office.



# CALIFORNIA ASSEMBLY BILL 1475

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

- (c) The Legislature finds and declares that the following specified crimes merit special consideration when imposing a sentence to display society’s condemnation for these extraordinary crimes of violence against the person. For the purpose of this section, “violent felony” means any of the following:
  - (1) Murder or voluntary manslaughter.
  - (2) Mayhem.
  - (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.
  - (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
  - (5) Oral copulation as defined in subdivision (c) or (d) of Section 287 or of former Section 288a.
  - (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
  - (7) Any felony punishable by death or imprisonment in the state prison for life.
  - (8) Any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
  - (9) Any robbery.
  - (10) Arson, in violation of subdivision (a) or (b) of Section 451.
  - (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
  - (12) Attempted murder.
  - (13) A violation of Section 18745, 18750, or 18755.
  - (14) Kidnapping.
  - (15) Assault with the intent to commit a specified felony, in violation of Section 220.
  - (16) Continuous sexual abuse of a child, in violation of Section 288.5.
  - (17) Carjacking, as defined in subdivision (a) of Section 215.
  - (18) Rape or sexual penetration, in concert, in violation of Section 264.1.
  - (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
  - (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
  - (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
  - (22) Any violation of Section 12022.53.
  - (23) A violation of subdivision (b) or (c) of Section 11418.







# CALIFORNIA ASSEMBLY BILL 1475


**JOSEPH BREYER**  
*arrested for:*

- ARSON
- ATTEMPTED MURDER



Humility & Grit


RIVERSIDE POLICE DEPARTMENT



All Arrested Persons are Presumed Innocent Until Proven Guilty in a Court of Law

RIVERSIDE FIRE DEPARTMENT

**BOOKING PHOTO ALLOWED UNDER CURRENT LAW...**


**Riverside Police Department**  
Posted by Ryan J. Railsback  
Apr 23 · 🌐

**TRANSIENT ARRESTED FOR ARSON AND ATTEMPTED MURDER**

RIVERSIDE, CA – On Thursday, April 15, 2022 at approximately 7:30 a.m., the City of Riverside Fire Department responded to reports of a fire with possible injuries at a homeless encampment in the 5900 block of Van Buren Boulevard in Riverside. When they arrived, firefighters found the encampment well involved with fire and an adult male suffering from significant burns to his lower extremities. Immediate medical care was rendered to the burn victim and the fire was extinguished, isolating the damage only to the encampment.

The Fire Department's Fire/Arson Investigations Unit responded to the scene and assumed the investigation. They were able to determine the cause of the fire and that it was intentionally ignited while the victim was inside the encampment. Investigators developed information into a possible suspect and disseminated it to Riverside Police Officers, who located the suspect a few days later on Wednesday, April 20th. With assistance from the Riverside Police Department's Robbery-Homicide Unit, the suspect was interviewed then arrested for arson and attempted murder. Joseph Breyer, a 42-year-old transient of Riverside was later booked into the Robert Presley Detention Center and is currently being held on 1 million dollars' bail.

# CALIFORNIA ASSEMBLY BILL 1475



 **Riverside Police Department**  
Posted by Javier Cabrera  
Apr 28 • 🌐

**WANTED PAROLEE ARRESTED IN POSSESSION OF A LOADED GUN**



Yesterday afternoon, shortly after 4:00 p.m., Watch C officers responded to an apartment in the 6900 block of Phoenix Avenue for a family disturbance. While driving to the location, they learned one of the parties involved was a wanted parolee and was possibly armed with a handgun. Officers arrived and formulated a plan to contact the subject. As they approached the apartment, the male suspect stepped out and attempted to flee. He was detained a short distance away and safely taken into custody. During a search, officers located a loaded handgun in his waistband.

Daniel Ochoa, 25-years-old from Riverside, was arrested for multiple weapons violations, parole violation, and resisting arrest. He was booked into jail and is currently being held without bail.

Great job to everyone involved!



**RIVERSIDE POLICE DEPARTMENT**  
FIELD OPERATIONS DIVISION- PATROL



**DANIEL OCHOA**

**ARRESTED FOR MULTIPLE WEAPONS VIOLATIONS,  
PAROLE VIOLATION, & RESISTING ARREST**

All Arrested Persons are Presumed Innocent Until Proven Guilty in a Court of Law

**BOOKING PHOTO  
NOT ALLOWED  
UNDER CURRENT  
LAW...**



# CALIFORNIA ASSEMBLY BILL 1475



## Riverside Police Department

Posted by Ryan J. Railsback  
Jul 29, 2020 · 🌐

### ARREST, RELEASE, REPEAT

This is Justin Evans. He is 23-years-old of Corona and has been either arrested or suspected of over two dozen separate incidents of commercial burglary, residential burglary, car burglary, auto theft, vandalism, possession of stolen property, possession of illegal narcotics, and violation of supervised release, all occurring in the city of Riverside. Mainly, right around the Magnolia Avenue corridor between Van Buren Boulevard and La Sierra Avenue. These are just the crimes he has or is believed to have committed from May 2019 to now.

Justin was arrested again today for commercial burglary to a local donut store, but the Riverside County Sheriff's Department and Corona Police Department will also be filing charges on him for burglaries occurring in Norco and Corona.

Justin's court ordered supervision ended in February 2020, so almost every time he gets arrested and booked into jail for these types of crimes, he receives an early release due to a federal ruling ordering jails in Riverside County to let out low-level offenders, also known as a "fed kick."

We want our community members and businesses to be aware of these repeat offenders who continue to victimize others in what the laws deem as low-level offenses.

In our city, burglaries have increased 28% so far in 2020 compared to the same timeframe last year, and auto thefts have increased 36%. We are NOT saying that Justin is responsible for these increases, but his cases are examples of how the current laws are not holding criminals accountable for their actions and why certain crimes have spiked.

Crime occurs without consequence. We are frustrated too.

[#arrestreleaserepeat](#)  
[#lawsoffrustration](#)  
[#fedkicked](#)  
[#helpwanted](#)

(Booking Photo: July 29, 2020)



JUSTIN EVANS

### ARREST, RELEASE, REPEAT

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# MEDIA UNIT

# QUESTIONS?

