

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Edward Medrano, Chief</p> 	<p><b>INFORMATION BULLETIN</b></p>	
<p><i>Subject:</i></p> <p>Senate Bill No. 439: New Reporting Requirements for Administrative/Disciplinary Hearings Involving Wiretap Evidence</p>	<p><i>No.</i></p> <p>2020-DLE-07</p> <p><i>Date:</i></p> <p>06/22/2020</p>	<p><i>Contact for information:</i></p> <p>Edward Medrano, Chief Division of Law Enforcement (916) 210-6300</p>

**TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES**

**Summary**

California wiretap statutes govern the use of evidence obtained from court-authorized wiretaps. Generally, intercepted communications regarding crimes other than those expressly enumerated in the statute may not be used except to prevent the commission of a public offense. Senate Bill No. 439 expands the use of such evidence to administrative and disciplinary proceedings involving the employment of a peace officer. Any use of evidence obtained from a wiretap in such a proceeding must be reported to the California Department of Justice for inclusion in its annual wiretap report.

**Senate Bill No. 439**

On January 1, 2020, Senate Bill No. 439 went into effect. The bill modifies the wiretap statute to authorize the use of intercepted communications concerning crimes other than those expressly enumerated in the statute in “an administrative or disciplinary hearing involving the employment of a peace officer.” However, it does not authorize the use of such wiretap evidence where the intercepted communications implicate “acts that only involve a violation of a departmental rule or guideline that is not a public offense under California law.”

**Law Enforcement Agency’s Responsibilities**

If wiretap evidence is used in an administrative or disciplinary hearing involving the employment of a peace officer, the following information must be reported to the California Department of Justice on an annual basis: (1) The number of administrative or disciplinary proceedings involving the employment of a peace officer in which the agency utilized wiretap evidence; and (2) The specific offenses for which the wiretap evidence was used in those administrative or disciplinary proceedings.

Please use the attached form for reporting purposes. The form can also be found at: <https://oag.ca.gov/forms>.

**Contact Information**

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