

Public Records Act Does Not Require Disclosure of Nearly Year-Old Arrest Information

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Only information pertaining to contemporaneous police activity must be disclosed under the Public Records Act (PRA). In *Kinney v. Superior Court (County of Kern)*, a California appellate court ruled that a public agency is not required to disclose the names of persons arrested for DUI nearly a year before the PRA request was filed.

The PRA requires law enforcement agencies to disclose the full name and related information concerning every person arrested. In 1993, a California appellate court ruled that this disclosure requirement is limited to contemporaneous information relating to persons currently in the criminal justice system.

In the *Kinney* case, the court declared that the 1993 decision is still valid. The court explained that, although there have been numerous changes to the PRA since then, the remaining language continues to indicate the Legislature's intent to limit disclosure to contemporaneous arrest information.

The *Kinney* case does not create a bright line test for determining when arrest information no longer is "contemporaneous." However, the court's conclusion that 11 to 12 month-old arrest information is not contemporaneous provides significant guidance to agencies responding to requests for arrest information under the PRA.

If you have questions, or would like more information on how this ruling may affect your Police Department, please contact **D. Craig Fox** or any member of our **Public Law Department**.

ATTORNEYS

D. Craig Fox

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