



**El Segundo Police Department**  
Training Section  
348 Main Street, El Segundo, CA 90245  
Phone (310) 524-2253

## **TRAINING BULLETIN**

**April 1, 2021**

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### **Assembly Bill No. 2655**

On September 28, 2020, Governor Gavin Newsom signed Assembly Bill 2655, which prohibits first responders from taking photographs of deceased victims, outside of job duties, at crime and accident scenes. The bill was prompted by the helicopter crash that killed Kobe Bryant, his daughter and seven others on January 26, 2020.

#### Background

Shortly after the helicopter crash, reports emerged that some of the first responders had taken graphic photos of the crash scene and were sharing them. At the time, Sheriff Alex Villanueva said eight deputies were accused of either taking or sharing the photos and that he ordered the photos to be deleted. He added that while the department had policies against unauthorized crime scene photos, there was not one in place for accident scenes.

In response to the incident, assemblyman Mike Gipson introduced AB 2655, referring to the bill as “The Kobe Bryant Act of 2020.”

The law, which makes taking such photos a misdemeanor punishable by a fine of up to \$1,000, went into effect on January,1, 2021.

Please review and familiarize yourself with the following legislative summary, Penal Code Section 647.9(a) and ESPD Lexipol policy section 319.5.6.

## LEGISLATIVE SUMMARY

AB 2655, Gipson. Invasion of privacy: first responders.

Existing law generally prohibits a reproduction of any kind of photograph of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy, from being made or disseminated. Existing law generally makes a person who views, by means of any instrumentality, including, but not limited to, a camera or mobile phone, the interior of any area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside, guilty of a misdemeanor.

This bill would make it a misdemeanor for a first responder, as defined, who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest. By creating a new crime, the bill would impose a state-mandated local program. The bill would require an agency that employs first responders to, on January 1, 2021, notify those first responders of the prohibition imposed by the bill. By increasing the duties of local agencies, the bill would impose a state-mandated local program.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS  
FOLLOWS:

**SECTION 1.**

Section 647.9 is added to the Penal Code, immediately following Section 647.8, to read:

**647.9** (a) A first responder, operating under color of authority, who responds to the scene of an accident or crime and captures the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency, for any purpose other than an official law enforcement purpose or a genuine public interest is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) per violation.

(b) An agency that employs first responders shall, on January 1, 2021, notify its employees who are first responders of the prohibition imposed by this section.

(c) For purposes of this section, “first responder” means a state or local peace officer, paramedic, emergency medical technician, rescue service personnel, emergency manager, firefighter, coroner, or employee of a coroner.

## ESPD POLICY

### 319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

i. Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

ii. A first responder, operating under color of authority, shall not capture the image of a deceased person by any means, including, but not limited to use of a personal electronic device or a device belonging to employing agency, for any purpose other than an official law enforcement purpose or a genuine public interest (Penal Code § 647.9)

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.