

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 847

Introduced by Assembly Member Sharp-Collins

February 19, 2025

An act to *amend Section 25303.7 of the Government Code, and to amend Section 832.7 of the Penal Code, relating to peace officers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 847, as amended, Sharp-Collins. Peace officers: confidentiality of records.

Existing law, the California Public Records Act, authorizes the inspection and copying of any public record except where specifically prohibited by law. Existing law, with specified exemptions, makes confidential the personnel records of peace officers and custodial records and certain other records maintained by their employing agencies. Existing law provides that this exemption from disclosure does not apply to investigations of these officers or their employing agencies and relating proceedings conducted by a grand jury, a district attorney's office, or the Attorney General's office.

This bill would additionally grant access to the confidential personnel records of peace officers and custodial officers and records maintained by their employing agencies, as specified, to civilian law enforcement oversight boards or commissions during investigations or proceedings concerning the conduct of those officers. *The bill would require those oversight boards to maintain the confidentiality of those records, and would authorize them to conduct closed sessions, as specified, to review*

confidential records. The bill would additionally authorize a county inspector general to access those personnel records, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 25303.7 of the Government Code is*
2 *amended to read:*

3 25303.7. (a) (1) A county may create a sheriff oversight board,
4 either by action of the board of supervisors or through a vote of
5 county residents, comprised of civilians to assist the board of
6 supervisors with its duties required pursuant to Section 25303 that
7 relate to the sheriff.

8 (2) The members of the sheriff oversight board shall be
9 appointed by the board of supervisors. The board of supervisors
10 shall designate one member to serve as the chairperson of the
11 board.

12 (3) *Notwithstanding Sections 1043 and 1046 of the Evidence*
13 *Code, the members of the oversight board shall have access to the*
14 *personnel records of peace officers and custodial officers relating*
15 *to the report, investigation, or findings of citizen complaints*
16 *maintained by the sheriff pursuant to Section 832.5 of the Penal*
17 *Code. The oversight board shall maintain the confidentiality of*
18 *these records consistent with Section 832.7 of the Penal Code.*

19 (b) (1) The chair of the sheriff oversight board shall issue a
20 subpoena or subpoena duces tecum in accordance with Sections
21 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever
22 the board deems it necessary or important to examine the following:

23 (A) Any person as a witness upon any subject matter within the
24 jurisdiction of the board.

25 (B) Any officer of the county in relation to the discharge of their
26 official duties on behalf of the sheriff's department.

27 (C) Any books, papers, or documents in the possession of or
28 under the control of a person or officer relating to the affairs of
29 the sheriff's department.

30 (2) A subpoena shall be served in accordance with Sections
31 1987 and 1988 of the Code of Civil Procedure.

32 (3) (A) If a witness fails to attend, or in the case of a subpoena
33 duces tecum, if an item is not produced as set forth therein, the

1 chair or the chair authorized deputy issuing the subpoena upon
2 proof of service thereof may certify the facts to the superior court
3 in the county of the board.

4 (B) The court shall thereupon issue an order directing the person
5 to appear before the court and show cause why they should not be
6 ordered to comply with the subpoena. The order and a copy of the
7 certified statement shall be served on the person and the court shall
8 have jurisdiction of the matter.

9 (C) The same proceedings shall be had, the same penalties
10 imposed, and the person charged may purge themselves of the
11 contempt in the same way as in a case of a person who has
12 committed a contempt in the trial of a civil action before a superior
13 court.

14 (4) *A sheriff oversight board may conduct closed sessions,*
15 *consistent with Section 54957 of the Government Code, to review*
16 *confidential records obtained under this section or otherwise*
17 *related to its oversight duties, if those sessions comply with*
18 *applicable confidentiality laws, including, but not limited to,*
19 *Section 832.7 of the Penal Code.*

20 (c) (1) A county, through action of the board of supervisors or
21 vote by county residents, may establish an office of the inspector
22 general, appointed by the board of supervisors, to assist the board
23 of supervisors with its duties required pursuant to Section 25303
24 that relate to the sheriff.

25 (2) The inspector general shall have the independent authority
26 to issue a subpoena or subpoena duces tecum subject to the
27 procedure provided in subdivision (b).

28 (3) *Notwithstanding Sections 1043 and 1046 of the Evidence*
29 *Code, the inspector general shall have access to the personnel*
30 *records of peace officers and custodial officers relating to the*
31 *report, investigation, or findings of citizen complaints maintained*
32 *by the sheriff pursuant to Section 832.5 of the Penal Code. The*
33 *inspector general shall maintain the confidentiality of these records*
34 *consistent with Section 832.7 of the Penal Code.*

35 (d) The exercise of powers under this section or other
36 investigative functions performed by a board of supervisors, sheriff
37 oversight board, or inspector general vested with oversight
38 responsibility for the sheriff shall not be considered to obstruct the
39 investigative functions of the sheriff.

1 ~~SECTION 1.~~

2 *SEC. 2.* Section 832.7 of the Penal Code is amended to read:

3 832.7. (a) Except as provided in subdivision (b), the personnel
4 records of peace officers and custodial officers and records
5 maintained by a state or local agency pursuant to Section 832.5,
6 or information obtained from these records, are confidential and
7 shall not be disclosed in any criminal or civil proceeding except
8 by discovery pursuant to Sections 1043 and 1046 of the Evidence
9 Code. This section does not apply to investigations or proceedings
10 concerning the conduct of peace officers or custodial officers, or
11 an agency or department that employs those officers, conducted
12 by a grand jury, a district attorney's office, the Attorney General's
13 office, or the Commission on Peace Officer Standards and Training,
14 or a civilian oversight board or commission for a law enforcement
15 agency established pursuant to subdivision (a) of Section 25303.7
16 of the Government Code or other duly enacted municipal or county
17 ordinance.

18 (b) (1) Notwithstanding subdivision (a), Section 7923.600 of
19 the Government Code, or any other law, the following peace officer
20 or custodial officer personnel records and records maintained by
21 a state or local agency shall not be confidential and shall be made
22 available for public inspection pursuant to the California Public
23 Records Act (Division 10 (commencing with Section 7920.000))
24 of Title 1 of the Government Code):

25 (A) A record relating to the report, investigation, or findings of
26 any of the following:

27 (i) An incident involving the discharge of a firearm at a person
28 by a peace officer or custodial officer.

29 (ii) An incident involving the use of force against a person by
30 a peace officer or custodial officer that resulted in death or in great
31 bodily injury.

32 (iii) A sustained finding involving a complaint that alleges
33 unreasonable or excessive force.

34 (iv) A sustained finding that an officer failed to intervene against
35 another officer using force that is clearly unreasonable or excessive.

36 (B) (i) Any record relating to an incident in which a sustained
37 finding was made by any law enforcement agency or oversight
38 agency that a peace officer or custodial officer engaged in sexual
39 assault involving a member of the public.

(ii) As used in this subparagraph, “sexual assault” means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, “member of the public” means any person not employed by the officer’s employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency involving dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

(D) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

(E) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.

(2) Records that are subject to disclosure under clause (iii) or (iv) of subparagraph (A) of paragraph (1), or under subparagraph (D) or (E) of paragraph (1), relating to an incident that occurs before January 1, 2022, shall not be subject to the time limitations in paragraph (11) until January 1, 2023.

(3) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video

1 evidence; transcripts or recordings of interviews; autopsy reports;
2 all materials compiled and presented for review to the district
3 attorney or to any person or body charged with determining
4 whether to file criminal charges against an officer in connection
5 with an incident, whether the officer's action was consistent with
6 law and agency policy for purposes of discipline or administrative
7 action, or what discipline to impose or corrective action to take;
8 documents setting forth findings or recommended findings; and
9 copies of disciplinary records relating to the incident, including
10 any letters of intent to impose discipline, any documents reflecting
11 modifications of discipline due to the Skelly or grievance process,
12 and letters indicating final imposition of discipline or other
13 documentation reflecting implementation of corrective action.
14 Records that shall be released pursuant to this subdivision also
15 include records relating to an incident specified in paragraph (1)
16 in which the peace officer or custodial officer resigned before the
17 law enforcement agency or oversight agency concluded its
18 investigation into the alleged incident.

19 (4) A record from a separate and prior investigation or
20 assessment of a separate incident shall not be released unless it is
21 independently subject to disclosure pursuant to this subdivision.

22 (5) If an investigation or incident involves multiple officers,
23 information about allegations of misconduct by, or the analysis or
24 disposition of an investigation of, an officer shall not be released
25 pursuant to subparagraph (B), (C), (D), or (E) of paragraph (1),
26 unless it relates to a sustained finding regarding that officer that
27 is itself subject to disclosure pursuant to this section. However,
28 factual information about that action of an officer during an
29 incident, or the statements of an officer about an incident, shall be
30 released if they are relevant to a finding against another officer
31 that is subject to release pursuant to subparagraph (B), (C), (D),
32 or (E) of paragraph (1).

33 (6) An agency shall redact a record disclosed pursuant to this
34 section only for any of the following purposes:

35 (A) To remove personal data or information, such as a home
36 address, telephone number, or identities of family members, other
37 than the names and work-related information of peace and custodial
38 officers.

39 (B) To preserve the anonymity of whistleblowers, complainants,
40 victims, and witnesses.

1 (C) To protect confidential medical, financial, or other
2 information of which disclosure is specifically prohibited by federal
3 law or would cause an unwarranted invasion of personal privacy
4 that clearly outweighs the strong public interest in records about
5 possible misconduct and use of force by peace officers and
6 custodial officers.

7 (D) Where there is a specific, articulable, and particularized
8 reason to believe that disclosure of the record would pose a
9 significant danger to the physical safety of the peace officer,
10 custodial officer, or another person.

11 (7) Notwithstanding paragraph (6), an agency may redact a
12 record disclosed pursuant to this section, including personal
13 identifying information, where, on the facts of the particular case,
14 the public interest served by not disclosing the information clearly
15 outweighs the public interest served by disclosure of the
16 information.

17 (8) An agency may withhold a record of an incident described
18 in paragraph (1) that is the subject of an active criminal or
19 administrative investigation, in accordance with any of the
20 following:

21 (A) (i) During an active criminal investigation, disclosure may
22 be delayed for up to 60 days from the date the misconduct or use
23 of force occurred or until the district attorney determines whether
24 to file criminal charges related to the misconduct or use of force,
25 whichever occurs sooner. If an agency delays disclosure pursuant
26 to this clause, the agency shall provide, in writing, the specific
27 basis for the agency's determination that the interest in delaying
28 disclosure clearly outweighs the public interest in disclosure. This
29 writing shall include the estimated date for disclosure of the
30 withheld information.

31 (ii) After 60 days from the misconduct or use of force, the
32 agency may continue to delay the disclosure of records or
33 information if the disclosure could reasonably be expected to
34 interfere with a criminal enforcement proceeding against an officer
35 who engaged in misconduct or used the force. If an agency delays
36 disclosure pursuant to this clause, the agency shall, at 180-day
37 intervals as necessary, provide, in writing, the specific basis for
38 the agency's determination that disclosure could reasonably be
39 expected to interfere with a criminal enforcement proceeding. The
40 writing shall include the estimated date for the disclosure of the

1 withheld information. Information withheld by the agency shall
2 be disclosed when the specific basis for withholding is resolved,
3 when the investigation or proceeding is no longer active, or by no
4 later than 18 months after the date of the incident, whichever occurs
5 sooner.

6 (iii) After 60 days from the misconduct or use of force, the
7 agency may continue to delay the disclosure of records or
8 information if the disclosure could reasonably be expected to
9 interfere with a criminal enforcement proceeding against someone
10 other than the officer who engaged in the misconduct or used the
11 force. If an agency delays disclosure under this clause, the agency
12 shall, at 180-day intervals, provide, in writing, the specific basis
13 why disclosure could reasonably be expected to interfere with a
14 criminal enforcement proceeding, and shall provide an estimated
15 date for the disclosure of the withheld information. Information
16 withheld by the agency shall be disclosed when the specific basis
17 for withholding is resolved, when the investigation or proceeding
18 is no longer active, or by no later than 18 months after the date of
19 the incident, whichever occurs sooner, unless extraordinary
20 circumstances warrant continued delay due to the ongoing criminal
21 investigation or proceeding. In that case, the agency must show
22 by clear and convincing evidence that the interest in preventing
23 prejudice to the active and ongoing criminal investigation or
24 proceeding outweighs the public interest in prompt disclosure of
25 records about misconduct or use of force by peace officers and
26 custodial officers. The agency shall release all information subject
27 to disclosure that does not cause substantial prejudice, including
28 any documents that have otherwise become available.

29 (iv) In an action to compel disclosure brought pursuant to
30 Section 7923.000 of the Government Code, an agency may justify
31 delay by filing an application to seal the basis for withholding, in
32 accordance with Rule 2.550 of the California Rules of Court, or
33 any successor rule, if disclosure of the written basis itself would
34 impact a privilege or compromise a pending investigation.

35 (B) If criminal charges are filed related to the incident in which
36 misconduct occurred or force was used, the agency may delay the
37 disclosure of records or information until a verdict on those charges
38 is returned at trial or, if a plea of guilty or no contest is entered,
39 the time to withdraw the plea pursuant to Section 1018.

1 (C) During an administrative investigation into an incident
2 described in paragraph (1), the agency may delay the disclosure
3 of records or information until the investigating agency determines
4 whether the misconduct or use of force violated a law or agency
5 policy, but no longer than 180 days after the date of the employing
6 agency's discovery of the misconduct or use of force, or allegation
7 of misconduct or use of force, by a person authorized to initiate
8 an investigation.

9 (9) A record of a complaint, or the investigations, findings, or
10 dispositions of that complaint, shall not be released pursuant to
11 this section if the complaint is frivolous, as defined in Section
12 128.5 of the Code of Civil Procedure, or if the complaint is
13 unfounded.

14 (10) The cost of copies of records subject to disclosure pursuant
15 to this subdivision that are made available upon the payment of
16 fees covering direct costs of duplication pursuant to subdivision
17 (a) of Section 7922.530 of the Government Code shall not include
18 the costs of searching for, editing, or redacting the records.

19 (11) Except to the extent temporary withholding for a longer
20 period is permitted pursuant to paragraph (8), records subject to
21 disclosure under this subdivision shall be provided at the earliest
22 possible time and no later than 45 days from the date of a request
23 for their disclosure.

24 (12) (A) For purposes of releasing records pursuant to this
25 subdivision, the lawyer-client privilege does not prohibit the
26 disclosure of either of the following:

27 (i) Factual information provided by the public entity to its
28 attorney or factual information discovered in any investigation
29 conducted by, or on behalf of, the public entity's attorney.

30 (ii) Billing records related to the work done by the attorney so
31 long as the records do not relate to active and ongoing litigation
32 and do not disclose information for the purpose of legal
33 consultation between the public entity and its attorney.

34 (B) This paragraph does not prohibit the public entity from
35 asserting that a record or information within the record is exempted
36 or prohibited from disclosure pursuant to any other federal or state
37 law.

38 (13) Notwithstanding subdivision (a) or any other law, an agency
39 that formerly employed a peace officer or custodial officer may,
40 without receiving a request for disclosure, disclose to the public

1 the termination for cause of that officer by that agency for any
2 disclosable incident, including those described in subparagraphs
3 (A) to (E), inclusive, of paragraph (1). Any such disclosure shall
4 be at the discretion of the agency and shall not include any
5 information otherwise prohibited from disclosure. This paragraph
6 is declaratory of existing law.

7 (c) Notwithstanding subdivisions (a) and (b), a department or
8 agency shall release to the complaining party a copy of the
9 complaining party's own statements at the time the complaint is
10 filed.

11 (d) Notwithstanding subdivisions (a) and (b), a department or
12 agency that employs peace or custodial officers may disseminate
13 data regarding the number, type, or disposition of complaints
14 (sustained, not sustained, exonerated, or unfounded) made against
15 its officers if that information is in a form which does not identify
16 the individuals involved.

17 (e) Notwithstanding subdivisions (a) and (b), a department or
18 agency that employs peace or custodial officers may release factual
19 information concerning a disciplinary investigation if the officer
20 who is the subject of the disciplinary investigation, or the officer's
21 agent or representative, publicly makes a statement they know to
22 be false concerning the investigation or the imposition of
23 disciplinary action. Information may not be disclosed by the peace
24 or custodial officer's employer unless the false statement was
25 published by an established medium of communication, such as
26 television, radio, or a newspaper. Disclosure of factual information
27 by the employing agency pursuant to this subdivision is limited
28 to facts contained in the officer's personnel file concerning the
29 disciplinary investigation or imposition of disciplinary action that
30 specifically refute the false statements made public by the peace
31 or custodial officer or their agent or representative.

32 (f) (1) The department or agency shall provide written
33 notification to the complaining party of the disposition of the
34 complaint within 30 days of the disposition.

35 (2) The notification described in this subdivision is not
36 conclusive or binding or admissible as evidence in any separate
37 or subsequent action or proceeding brought before an arbitrator,
38 court, or judge of this state or the United States.

1 (g) This section does not affect the discovery or disclosure of
2 information contained in a peace or custodial officer's personnel
3 file pursuant to Section 1043 of the Evidence Code.

4 (h) This section does not supersede or affect the criminal
5 discovery process outlined in Chapter 10 (commencing with
6 Section 1054) of Title 6 of Part 2, or the admissibility of personnel
7 records pursuant to subdivision (a), which codifies the court
8 decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

9 (i) Nothing in this chapter is intended to limit the public's right
10 of access as provided for in *Long Beach Police Officers*
11 *Association v. City of Long Beach* (2014) 59 Cal.4th 59.