

AMENDED IN SENATE JUNE 11, 2025

AMENDED IN ASSEMBLY APRIL 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1178

**Introduced by Assembly Member Pacheco
(Coauthors: Assembly Members Alanis, Nguyen,
Michelle Rodriguez, and Blanca Rubio)**

February 21, 2025

An act to amend Section 832.7 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Pacheco. Peace officers: confidentiality of records.

Existing law, the California Public Records Act, generally requires public records to be open for inspection by the public. Existing law provides numerous exceptions to this requirement. Under existing law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Existing law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. Existing law authorizes an agency to redact the records disclosed for specified purposes including, among others, to remove personal data or information, as specified, and where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

This bill would require a court, in determining whether to redact a record where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of a person, to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity.

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

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

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

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

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

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

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

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

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

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

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

36 (E) Any record relating to an incident in which a sustained
37 finding was made by any law enforcement agency or oversight
38 agency that the peace officer made an unlawful arrest or conducted
39 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 evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Records that shall be released pursuant to this subdivision also include records relating to an incident specified in paragraph (1) in which the peace officer or custodial officer resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.

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

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

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

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

7 (B) To preserve the anonymity of whistleblowers, complainants,
8 victims, and witnesses.

9 (C) To protect confidential medical, financial, or other
10 information of which disclosure is specifically prohibited by federal
11 law or would cause an unwarranted invasion of personal privacy
12 that clearly outweighs the strong public interest in records about
13 possible misconduct and use of force by peace officers and
14 custodial officers.

15 (D) (i) Where there is a specific, articulable, and particularized
16 reason to believe that disclosure of the record would pose a
17 significant danger to the physical safety of the peace officer,
18 custodial officer, or another person.

19 (ii) In determining whether to redact a record *a redaction made*
20 pursuant to clause ~~(i)~~, *(i) is appropriate*, a court shall consider
21 whether a particular peace officer is currently operating undercover
22 and their duties demand anonymity.

23 (7) Notwithstanding paragraph (6), an agency may redact a
24 record disclosed pursuant to this section, including personal
25 identifying information, where, on the facts of the particular case,
26 the public interest served by not disclosing the information clearly
27 outweighs the public interest served by disclosure of the
28 information.

29 (8) An agency may withhold a record of an incident described
30 in paragraph (1) that is the subject of an active criminal or
31 administrative investigation, in accordance with any of the
32 following:

33 (A) (i) During an active criminal investigation, disclosure may
34 be delayed for up to 60 days from the date the misconduct or use
35 of force occurred or until the district attorney determines whether
36 to file criminal charges related to the misconduct or use of force,
37 whichever occurs sooner. If an agency delays disclosure pursuant
38 to this clause, the agency shall provide, in writing, the specific
39 basis for the agency's determination that the interest in delaying
40 disclosure clearly outweighs the public interest in disclosure. This

1 writing shall include the estimated date for disclosure of the
2 withheld information.

3 (ii) After 60 days from the misconduct or use of force, the
4 agency may continue to delay the disclosure of records or
5 information if the disclosure could reasonably be expected to
6 interfere with a criminal enforcement proceeding against an officer
7 who engaged in misconduct or used the force. If an agency delays
8 disclosure pursuant to this clause, the agency shall, at 180-day
9 intervals as necessary, provide, in writing, the specific basis for
10 the agency's determination that disclosure could reasonably be
11 expected to interfere with a criminal enforcement proceeding. The
12 writing shall include the estimated date for the disclosure of the
13 withheld information. Information withheld by the agency shall
14 be disclosed when the specific basis for withholding is resolved,
15 when the investigation or proceeding is no longer active, or by no
16 later than 18 months after the date of the incident, whichever occurs
17 sooner.

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

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

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

12 (C) During an administrative investigation into an incident
13 described in paragraph (1), the agency may delay the disclosure
14 of records or information until the investigating agency determines
15 whether the misconduct or use of force violated a law or agency
16 policy, but no longer than 180 days after the date of the employing
17 agency's discovery of the misconduct or use of force, or allegation
18 of misconduct or use of force, by a person authorized to initiate
19 an investigation.

20 (9) A record of a complaint, or the investigations, findings, or
21 dispositions of that complaint, shall not be released pursuant to
22 this section if the complaint is frivolous, as defined in Section
23 128.5 of the Code of Civil Procedure, or if the complaint is
24 unfounded.

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

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

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

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

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

5 (B) This paragraph does not prohibit the public entity from
6 asserting that a record or information within the record is exempted
7 or prohibited from disclosure pursuant to any other federal or state
8 law.

9 (13) Notwithstanding subdivision (a) or any other law, an agency
10 that formerly employed a peace officer or custodial officer may,
11 without receiving a request for disclosure, disclose to the public
12 the termination for cause of that officer by that agency for any
13 disclosable incident, including those described in subparagraphs
14 (A) to (E), inclusive, of paragraph (1). Any such disclosure shall
15 be at the discretion of the agency and shall not include any
16 information otherwise prohibited from disclosure. This paragraph
17 is declaratory of existing law.

18 (c) Notwithstanding subdivisions (a) and (b), a department or
19 agency shall release to the complaining party a copy of the
20 complaining party's own statements at the time the complaint is
21 filed.

22 (d) Notwithstanding subdivisions (a) and (b), a department or
23 agency that employs peace or custodial officers may disseminate
24 data regarding the number, type, or disposition of complaints
25 (sustained, not sustained, exonerated, or unfounded) made against
26 its officers if that information is in a form which does not identify
27 the individuals involved.

28 (e) Notwithstanding subdivisions (a) and (b), a department or
29 agency that employs peace or custodial officers may release factual
30 information concerning a disciplinary investigation if the officer
31 who is the subject of the disciplinary investigation, or the officer's
32 agent or representative, publicly makes a statement they know to
33 be false concerning the investigation or the imposition of
34 disciplinary action. Information may not be disclosed by the peace
35 or custodial officer's employer unless the false statement was
36 published by an established medium of communication, such as
37 television, radio, or a newspaper. Disclosure of factual information
38 by the employing agency pursuant to this subdivision is limited
39 to facts contained in the officer's personnel file concerning the
40 disciplinary investigation or imposition of disciplinary action that

1 specifically refute the false statements made public by the peace
2 or custodial officer or their agent or representative.

3 (f) (1) The department or agency shall provide written
4 notification to the complaining party of the disposition of the
5 complaint within 30 days of the disposition.

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

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

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

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