

AMENDED IN ASSEMBLY APRIL 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 1178**

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

February 21, 2025

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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 additionally require a law enforcement agency to redact records to remove the rank, name, photo, or likeness of specified people, including, among others, all duly sworn officers working an~~

~~undercover assignment or who worked in an undercover assignment in the past 24 months, all sworn personnel attached to a federal or state task force, and members of a law enforcement agency who received verified death threats to themselves or their families within the last ten years because of their law enforcement employment. By increasing duties on local law enforcement agencies to redact information, this bill would impose a state-mandated local program.~~ *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.*

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

1 an agency or department that employs those officers, conducted  
2 by a grand jury, a district attorney's office, the Attorney General's  
3 office, or the Commission on Peace Officer Standards and Training.

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

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

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

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

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

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

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

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

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

37 (C) Any record relating to an incident in which a sustained  
38 finding was made by any law enforcement agency or oversight  
39 agency involving dishonesty by a peace officer or custodial officer  
40 directly relating to the reporting, investigation, or prosecution of

1 a crime, or directly relating to the reporting of, or investigation of  
2 misconduct by, another peace officer or custodial officer, including,  
3 but not limited to, any false statements, filing false reports,  
4 destruction, falsifying, or concealing of evidence, or perjury.

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

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

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

24 (3) Records that shall be released pursuant to this subdivision  
25 include all investigative reports; photographic, audio, and video  
26 evidence; transcripts or recordings of interviews; autopsy reports;  
27 all materials compiled and presented for review to the district  
28 attorney or to any person or body charged with determining  
29 whether to file criminal charges against an officer in connection  
30 with an incident, whether the officer's action was consistent with  
31 law and agency policy for purposes of discipline or administrative  
32 action, or what discipline to impose or corrective action to take;  
33 documents setting forth findings or recommended findings; and  
34 copies of disciplinary records relating to the incident, including  
35 any letters of intent to impose discipline, any documents reflecting  
36 modifications of discipline due to the Skelly or grievance process,  
37 and letters indicating final imposition of discipline or other  
38 documentation reflecting implementation of corrective action.  
39 Records that shall be released pursuant to this subdivision also  
40 include records relating to an incident specified in paragraph (1)

1 in which the peace officer or custodial officer resigned before the  
2 law enforcement agency or oversight agency concluded its  
3 investigation into the alleged incident.

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

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

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

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

24 (B) To preserve the anonymity of whistleblowers, complainants,  
25 victims, and witnesses.

26 (C) To protect confidential medical, financial, or other  
27 information of which disclosure is specifically prohibited by federal  
28 law or would cause an unwarranted invasion of personal privacy  
29 that clearly outweighs the strong public interest in records about  
30 possible misconduct and use of force by peace officers and  
31 custodial officers.

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

36 (ii) *In determining whether to redact a record pursuant to clause*  
37 *(i), a court shall consider whether a particular peace officer is*  
38 *currently operating undercover and their duties demand anonymity.*

39 ~~(E) To remove the rank, name, photo, or likeness of any of the~~  
40 ~~following people:~~

1 ~~(i) All duly sworn peace officers working in an undercover~~  
2 ~~assignment, or having worked in an undercover assignment in the~~  
3 ~~past 24 months.~~

4 ~~(ii) Sworn personnel attached to a federal or state task force.~~

5 ~~(iii) Members of a law enforcement agency, both sworn or~~  
6 ~~non-sworn, who received verified death threats to themselves or~~  
7 ~~their families within the last ten years because of their law~~  
8 ~~enforcement employment.~~

9 ~~(iv) Any law enforcement personnel assigned, as designated,~~  
10 ~~to gather intelligence on or interdict terrorists.~~

11 ~~(v) Family members of anyone listed in this subparagraph.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Notwithstanding subdivision (a) or any other law, an agency that formerly employed a peace officer or custodial officer may, 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.

12 ~~SEC. 2. The Legislature finds and declares that Section 1 of~~  
13 ~~this act, which amends Section 832.7 of the Penal Code, imposes~~  
14 ~~a limitation on the public's right of access to the meetings of public~~  
15 ~~bodies or the writings of public officials and agencies within the~~  
16 ~~meaning of Section 3 of Article I of the California Constitution.~~  
17 ~~Pursuant to that constitutional provision, the Legislature makes~~  
18 ~~the following findings to demonstrate the interest protected by this~~  
19 ~~limitation and the need for protecting that interest:~~

20 ~~In order to actively protect law enforcement officers that~~  
21 ~~willingly risk their lives in dangerous and uncertain assignments~~  
22 ~~and who face life-threatening situations as they provide the~~  
23 ~~necessary umbrella of protection to the residents of the State of~~  
24 ~~California by their service, it is necessary to limit access to these~~  
25 ~~records.~~

26 ~~SEC. 3. If the Commission on State Mandates determines that~~  
27 ~~this act contains costs mandated by the state, reimbursement to~~  
28 ~~local agencies and school districts for those costs shall be made~~  
29 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
30 ~~4 of Title 2 of the Government Code.~~