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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Author:** Sharp-Collins  
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**Urgency:** No                                      **Fiscal:** No  
**Consultant:** AB

**Subject:** *Peace officers: confidentiality of records*

### HISTORY

**Source:** Hon. Robert Bonner, Chair, Los Angeles County Sheriff Civilian Oversight Commission

**Prior Legislation:** SB 519 (Atkins), Ch. 306, Stats. of 2023  
AB 2557 (Bonta), not heard in Assembly Judiciary, 2022  
AB 1185 (McCarty), Ch. 342, Stats. of 2020  
SB 16 (Skinner), Ch. 402, Stats. of 2021  
SB 2 (Bradford), Ch. 409, Stats. of 2021  
AB 17 (Cooper), not heard in Assembly Public Safety Committee, 2021  
SB 776 (Skinner), never heard on Senate concurrence, 2020  
SB 1421 (Skinner), Ch. 988, Stats. of 2018  
SB 1019 (Romero), failed in Assembly Public Safety, 2008

**Support:** ACLU California Action; All of Us or None; Bend the Arc: Jewish Action California; California Alliance for Youth and Community Justice; California Coalition for Sheriff Oversight; California Coalition for Women Prisoners; California Public Defenders Association; Californians for Safety and Justice; Californians United for a Responsible Budget; Cancel the Contract; Care First California; Center for Juvenile Law and Policy, Loyola Law School; Center for Policing Equity; Check the Sheriff; Courage California; Debt Free Justice California; Dignity and Power Now; Ella Baker Center for Human Right; Freedom 4 Youth; Friends Committee on Legislation of California; Hadsell Stormer Renick & Dai LLP; Initiate Justice; Initiate Justice Action; Justice2jobs Coalition; LA Defensa; League of Women Voters of California; Legal Services for Prisoners With Children; Local 148 LA County Public Defenders Union; Mid-City Community Advocacy Network; National Association for Civilian Oversight of Law Enforcement; National Lawyers Guild - Los Angeles (NLG-LA); Oakland Privacy; Peace and Justice Law Center; Rubicon Programs; San Diego Organizing Project; San Francisco Public Defender; Sheriff Civilian Oversight Commission; Smart Justice California; The Translatin@Coalition; The W. Haywood Burns Institute; Trauma Informed Los Angeles; Viet Voices

**Opposition:** Association for Los Angeles Deputy Sheriffs; California Association of Highway Patrolmen; California State Sheriffs' Association; Los Angeles County Professional Peace Officers Association; San Diego Sheriff's Office

## PURPOSE

***The purpose of this bill is to grant civilian law enforcement oversight boards access to the confidential personnel records of peace officers and custodial officers, as specified, during investigations or proceedings concerning the conduct of those officers.***

*Existing law* establishes the people's right to transparency in government. ("The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny...") (Cal. Const., art. I, Sec. 3.)

*Existing law* establishes the California Public Records Act (CPRA), which generally provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, and requires government agencies to disclose government records to the general public upon request, unless such records are exempted from disclosure. (Gov. Code, § 7920.000 et seq.)

*Existing law* provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. (Gov. Code § 7922.525.)

*Existing law* provides that the CPRA does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice (DOJ), the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. (Gov. Code, § 7923.600.)

*Existing law* provides that the CPRA does not require the disclosure of peace officer personnel files and background investigation files gathered by law enforcement agencies that are in the custody of the Commission on Peace Officer Standards and Training (POST) in connection with the commission's authority to verify eligibility for the issuance of certification and investigate grounds for decertification of a peace officer including any and all investigative files and records relating to complaints of, and investigations of, police misconduct, and all other investigative files and materials. (Gov. Code, § 7923.601.)

*Existing law* specifies the particular circumstances under which an audio or video recording that relates to a "critical incident" may be withheld. (Gov. Code, § 7923.625.)

*Existing law* states that any department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public. (Pen. Code, § 832.5, subd. (a)(1).)

*Existing law* states any department or agency that employs custodial officers, as specified, may establish a procedure to investigate complaints by members of the public against those custodial officers employed by these departments or agencies, provided, however, that any procedure so established shall comply with rules pertaining to confidentiality of personnel records for peace

officers. (Pen. Code, § 832.5, subd. (a)(2).)

*Existing law* requires any complaints and reports or findings relating to citizen complaints against law enforcement or custodial personnel, including all complaints and any reports currently in the possession of the department or agency, be retained for a period of no less than 5 years for records where there was not a sustained finding of misconduct and for not less than 15 years where there was a sustained finding of misconduct. (Pen. Code, § 832.5, subd. (b).)

Existing law prohibits any personnel record from being destroyed while a request related to that record is being processed or any process or litigation to determine whether the record is subject to release is ongoing. All complaints retained may be maintained either in the peace or custodial officer's general personnel file or in a separate file designated by the department or agency as provided by department or agency policy, in accordance with all applicable requirements of law. (Pen. Code, § 832.5, subd. (b).)

*Existing law* states that prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints deemed frivolous shall be removed from the officer's general personnel file and placed in a separate file designated by the department or agency, in accordance with all applicable requirements of law. (Pen. Code, § 832.5, subd. (b).)

*Existing law* requires each department or agency in this state that employs peace officers to make a record of any investigations of misconduct involving a peace officer in the officer's general personnel file or a separate file designated by the department or agency. A peace officer seeking employment with a department or agency in this state that employs peace officers shall give written permission for the hiring department or agency to view the officer's general personnel file and any separate file designated by a department or agency. (Pen. Code, § 832.12.)

*Existing law* sets forth the following definitions for the purpose of the provisions below:

- "Personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to personal data, employee advancement, appraisal or discipline, complaints or investigations of complaints concerning specified events, and other specified topics. (Pen. Code, § 832.8, subd. (a).)
- "Sustained" means a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to specified provisions of the Peace Officer's Bill of Rights, that the actions of the peace officer or custodial officer were found to violate law or department policy. (Pen. Code §832.8, subs. (a), (b).)

*Existing law* generally provides that the personnel records of peace officers and custodial officers and records maintained by a state or local agency or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery. This provision does not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, the Attorney General's office, or POST. (Pen. Code, § 832.7, subd. (a).)

*Existing law* specifies that notwithstanding the above provision or any other law, the following peace officer or custodial officer personnel records and records maintained by a state or local agency are not confidential and shall be made available for public inspection pursuant to the CPRA:

- A record relating to the report, investigation, or findings of any of the following:
  - An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
  - An incident involving the use of force against a person by a peace officer or custodial officer that resulted in death or in great bodily injury.
  - A sustained finding involving a complaint that alleges unreasonable or excessive force.
  - A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- 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 sexual assault involving a member of the public.
- 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.
- 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.
- 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. (Pen. Code, § 832.7, subd. (b)(1).)

*Existing law* specifies which types of documents and records shall be released pursuant to the provision above. (Pen. Code, § 832.7, subd. (b)(3).)

*Existing law* provides that an agency may withhold a record of an incident otherwise subject to disclosure if there is an active criminal or administrative investigation, as specified. (Pen. Code § 832.7, subd. (b)(8).)

*Existing law* provides that the board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, but that in doing so, the board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county. (Gov. Code, § 25303.)

*Existing law* provides that the board of supervisors may appoint commissions of citizens to study problems of general or special interest to the board, as specified. (Gov. Code, § 31000.1.)

*Existing law* provides that a county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with specified duties related to the county sheriff, and that the members of the oversight board shall be appointed by the board of supervisors. (Gov. Code, § 25303.7, subd. (a).)

*Existing law* provides that the chair of the oversight board shall issue a subpoena, as specified, whenever the board deems it necessary or important to examine any of several specified individuals or documents. (Gov. Code, § 25303.7, subd. (b).)

*Existing law* authorizes a county, through action of the board of supervisors or by vote of residents, to establish an office of the inspector general, appointed by the board of supervisors, to assist the board with its duties related to the county sheriff, and specifies that the inspector general shall have the independent authority to issue a subpoena. (Gov. Code, § 25303.7, subd. (b).)

*Existing law* provides that notwithstanding specified open meeting requirements, a legislative body of a local agency may hold closed session during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee, unless the employee requests an open session. (Gov. Code, § 54957, subd. (b)(1).)

*Existing law* provides that as a condition of holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of their right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. (Gov. Code, § 54957, subd. (b)(2).)

*This bill* provides that the members of a sheriff oversight board shall have access to the personnel records of peace officers and custodial officers required for the performance of the commission's oversight duties, and that the oversight board shall maintain the confidentiality of these records consistent with specified provisions of existing law.

*This bill* provides that a sheriff oversight board may conduct closed sessions to review confidential records, as specified, if those sessions comply with applicable confidentiality laws.

*This bill* provides that the inspector general shall have access to the personnel records of peace officers and custodial officers required for the performance of the inspector general's oversight duties, and that the inspector general shall maintain the confidentiality of these records consistent with specified provisions of existing law.

*This bill* specifies that provisions of existing law mandating the confidentiality and nondisclosure of certain peace officer records do not apply to a civilian oversight board or commission for a law enforcement agency, as provided.

## COMMENTS

### 1. Need for This Bill

According to the Author:

The Legislature provided counties to establish law enforcement oversight commissions either by a vote of county supervisors or the voters in that county. It further provided these commissions with subpoena power so they can require individuals to appear. Despite this, it appears that in some counties the commissions are not receiving the information necessary to carry out their function. AB 847 provides access to records needed to effectively provide oversight of law enforcement bodies as asked for by counties.

### 2. Access to Police Personnel Records

In 1968, the Legislature passed the California Public Records Act (CPRA), declaring that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the state.”<sup>1</sup> The purpose of the CPRA is to prevent secrecy in government and to contribute significantly to the public understanding of government activities.<sup>2</sup> Under the law, virtually all public records are open to public inspection unless expressly exempted in statute. However, even if a record is not expressly exempted, an agency may refuse to disclose records if on balance, the interest of nondisclosure outweighs disclosure. Generally, “records should be withheld from disclosure only where the public interest served by not making a record public outweighs the public interest served by the general policy of disclosure.”<sup>3</sup>

In the context of peace officer records, the CPRA contains several relevant exemptions to the general policy requiring disclosure, namely 1) records of complaints to, or investigations conducted by any state or local police agency, 2) personnel records, if disclosure would constitute an unwarranted invasion of personal privacy, and 3) records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including records deemed confidential under state law.<sup>4</sup>

In 1974, the California Supreme Court decided *Pitchess v. Superior Court* (1974) 11 Cal. 3d 531, which allowed a criminal defendant to access to certain kinds of information in citizen complaints against law enforcement officers contained in the officers’ personnel records. After *Pitchess* was decided, several law enforcement agencies launched record-destruction campaigns, leading the Legislature to enact record-retention laws and codify the privileges and discovery procedures related to *Pitchess* motions.<sup>5</sup> In a natural response, law enforcement agencies began

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<sup>1</sup> California Government Code §7921.000

<sup>2</sup> *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008, 1016-1017.

<sup>3</sup> Gov. Code, § 7922.000

<sup>4</sup> Gov. Code, §§ 7923.600; 7927.700, 7927.705

<sup>5</sup> These were primarily codified in Penal Code §§ 832.7 and 832.8, and Evidence Code §§1043 through 1045.

pushing for stronger confidentiality measures, many of which are currently still in effect. The relevant Penal Code provisions define peace officer “personnel records” and, prior to 2018, provided that such records are confidential and subject to discovery only pursuant to the procedures set forth in the Evidence Code.

In 2006, the California Supreme Court, in *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, re-interpreted a key Penal Code provision, Section 832.7, to hold that the record of a police officer’s administrative disciplinary appeal from a sustained finding of misconduct was confidential and could not be disclosed to the public. This decision had the practical effect of preventing the public from learning the extent to which police officers had been disciplined as a result of misconduct, and closed to the public all independent oversight investigations, hearings and reports. This decision also rendered California one of the most secretive states in the nation in terms of transparency into peace officer misconduct, and carved out a unique confidentiality exception for law enforcement that does not exist for public employees, doctors and lawyers, whose records on misconduct and resulting discipline are public records. In 2022, there was a legislative effort to abrogate the holding of *Copley Press, Inc.*, AB 2557 (Bonta), which would have rendered records and information maintained for the purpose of civilian oversight peace officers subject to disclosure under the CPRA, but that bill was never heard in the Assembly Judiciary Committee. This bill, similar to but more narrow than AB 2557, represents the latest attempt to make police personnel records disclosable to civilian oversight entities.

### 3. Recent Legislation Requiring Increased Transparency

In 2018, the Legislature passed SB 1421 (Skinner, Ch. 988, Stats. of 2018), which represented a paradigm shift in the public’s ability to access previously confidential peace officer personnel records. SB 1421 removed *Pitchess* protection from records pertaining to officer-involved shootings, uses of force resulting in death or great bodily injury, and sustained findings of sexual assault or dishonesty. SB 1421 led to a surge in CPRA requests submitted to law enforcement agencies across the state, posing a logistical challenge of unprecedented proportions. Not only was the universe of responsive records massive, but determining the responsiveness of a particular record could prove to be a lengthy process. Moreover, SB 1421 required agencies to redact specified personal information, information the release of which “would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct,” and information that, if unredacted, would pose a significant danger to the physical safety of the peace officer or another person.<sup>6</sup> This latter provision is the focus of this bill.

In 2021, the Legislature passed SB 16 (Skinner, Ch. 402, Stats of 2021), building upon the transparency provisions enacted by SB 1421, and responding to widespread criticism that law enforcement agencies were flouting the law via litigation and other tactics to delay the release of records. SB 16 exempted four additional categories of peace officer records from the confidentiality requirement in Penal Code Section 832.7, including those pertaining to sustained findings of unreasonable or excessive use of force, sustained findings that an officer failed to intervene in another officer’s unreasonable or excessive use of force, sustained findings that an officer engaged in prejudice or discrimination on the basis of a protected characteristic, and sustained findings that an officer made an unlawful arrest or conducted an unlawful search. Central to these provisions is the requirement that, to be subject to disclosure, these findings be “sustained,” which is defined as a final determination by an investigating agency, commission,

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<sup>6</sup> Pen. Code § 832.7, subd. (b)(6).

board, hearing officer, or arbitrator following an investigation and opportunity for an administrative appeal, as specified, that the actions of the peace officer or custodial officer were found to violate the law.<sup>7</sup>

Also in 2021, the Legislature passed SB 2 (Bradford), Chapter 409, Statutes of 2021, which among a number of other reforms, amended Penal Code Section 832.7 by making it inapplicable to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, the Attorney General's office, or the Commission on Peace Officer Standards and Training.

#### 4. Civilian Oversight Boards and Effect of This Bill

Existing law requires the board of supervisors in every county to “supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county [and to] see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.”<sup>8</sup> This same provision, however, also makes clear that it shall not be construed “to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff” and that the board shall not “obstruct the investigative function of the sheriff of the county.”<sup>9</sup> Another provision of existing law, established in 1965, authorizes a county's board of supervisors to appoint commissions or committees of citizens to study problems of general or special interest to the board, and to make reports and recommendations to the board.<sup>10</sup>

In 1994, the California Supreme Court ruled that the California Constitution, coupled with the statutes described above, grants counties the authority to create a civilian law enforcement review board.<sup>11</sup> The court in *Dibb*, which dealt specifically with the County of San Diego's creation of the Citizens Law Enforcement Review Board (CLERB), also found that counties, whether chartered or non-chartered, may grant such oversight entities the power to issue subpoenas.<sup>12</sup> One implication of the court's decision in *Dibb* is that the Legislature may in fact grant subpoena power to oversight boards via county entities, as it has done in other instances, many of which were cited by the court in reaching its conclusion.<sup>13</sup>

In 2020, the Legislature passed AB 1185 (McCarty), Chapter 342, Statutes of 2020, and expressly granted counties the authority to create a sheriff oversight board, either by action of the board or through a vote of county residents. AB 1185 also authorized the chair of an oversight board to issue a subpoena when the board deems it necessary or important to examine a witness, an officer of the county, or a document in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.<sup>14</sup> Additionally, the measure authorized

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<sup>7</sup> Pen. Code, § 832.8, subd. (b).

<sup>8</sup> Gov. Code, § 25303

<sup>9</sup> *Ibid.*

<sup>10</sup> Gov. Code, § 31000.1

<sup>11</sup> *Dibb v. County of San Diego* (1994) 8 Cal. 4th 1200.

<sup>12</sup> *Id.* at 1210-1218.

<sup>13</sup> *Id.* at 1210, citing grants of subpoena power to county boards of supervisors, county civil service commissions, county coroners, county hearing officers, and county retirement boards.

<sup>14</sup> AB 1185 is codified at Gov. Code, § 25303.7.



counties to establish an office of the inspector general to assist the board with its statutory duties related to the sheriff's department, an office that also carries the subpoena power.

The Los Angeles County Board of Supervisors voted in 2016 to establish the Los Angeles County Sheriff Civilian Oversight Commission (COC), which was tasked with providing ongoing review, analysis and oversight of the Sheriff's Department's (LASD) policies, practices and procedures, as well as building bridges between the Department and the public, and recommending policy solutions to the Board.<sup>15</sup> Los Angeles County also has an Office of the Inspector General, which serves as the investigative branch of the COC and special counsel to the Board of Supervisors.<sup>16</sup> According to the Author, notwithstanding the COC's oversight function and statutory subpoena power, LASD "is not providing the necessary information to provide this oversight, claiming that Penal Code Section 832.7 precludes it."<sup>17</sup>

This bill amends provisions of existing law originally enacted by AB 1185 to specify that the members of a sheriff oversight board shall have access to the personnel records of peace officers and custodial officers required for the performance of the commission's oversight duties, but that the oversight board shall maintain the confidentiality of these records consistent with Section 832.7 of the Penal Code.<sup>18</sup> Similarly, the bill provides that the inspector general of a county shall have access to the personnel records of peace officers and custodial officers required for the performance of their duties, subject to the same confidentiality requirement. This bill also amends Section 832.7 of the Penal Code to specify that that provision's confidentiality requirement does not apply to a civilian oversight board established pursuant to AB 1185 or to another "duly enacted municipal or county ordinance." Finally, the bill provides that a sheriff oversight board may conduct closed sessions to review confidential records, if those sessions comply with applicable confidentiality laws and other existing limitations on closed session meetings under the Brown Act.<sup>19</sup>

The Committee should be aware that the issues implicated by this bill are currently the subject of pending litigation between LASD and the COC regarding what can properly be released under COC subpoenas concerning investigations that involve confidential peace officer personnel records. The lawsuit, filed in Los Angeles Superior Court by Sheriff Robert Luna on March 19, 2025, challenges subpoenas issued by the COC for personnel records related to three cases in which deputies allegedly beat, shot and used excessive force on young men.<sup>20</sup>

It should also be noted that although the primary purpose of the bill appears to be ensuring that county sheriff oversight boards are granted access to relevant police records in a manner

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<sup>15</sup> Sheriff Civilian Oversight Commission: Mission, Vision and Values. [Mission, Vision, and Values](#)

<sup>16</sup> Office of Inspector General. About the OIG. [OIG - About Us](#)

<sup>17</sup> At least one case has been found in which the COC had to go to court to enforce a subpoena against former Los Angeles Sheriff Alex Villanueva. In that ruling, a judge of the Los Angeles Superior Court ruled that the COC and/or the OIG "has the authority to subpoena the Sheriff regarding the legitimate public interest in the problems, if any, related to secret societies." [County of L.A. v. Villanueva, 2022 Cal. Super. LEXIS 17545](#). In 2023, after he was no longer sheriff, Villanueva finally agreed to testify under oath about alleged deputy gangs operating within the department.

<sup>18</sup> Because of this requirement that oversight boards maintain confidentiality of documents consistent with 832.7, this bill is narrower than the prior attempt to render police records maintained for the purpose of peace officer oversight subject to disclosure under CPRA, AB 2557 (Bonta, 2022).

<sup>19</sup> Gov. Code, § 54950, et. seq.

<sup>20</sup> "L.A. Sheriff Luna defies subpoenas, sues oversight commission over deputy misconduct records." *Los Angeles Times*. 20 March 2025. [L.A. Sheriff Luna sues oversight commission over misconduct subpoenas - Los Angeles Times](#)

consistent with that enjoyed by grand juries, a district attorney's office, the Attorney General's Office, or POST, the language of this provision also effectively authorizes such access to by any other duly established police oversight board, such as a municipal police oversight commission. Is this the intended scope of the bill?

## **5. Argument in Support**

According to ACLU California Action:

Sheriffs hold massive power in California counties over jails, law enforcement, emergency services, court-ordered evictions, and more. With the passage of AB 1185 in 2021, the Legislature took a strong step towards enhancing sheriff accountability and transparency. AB 1185 granted counties the authority to establish Sheriff Oversight Boards to oversee sheriffs' departments and endowed these Boards with the power to issue subpoenas when deemed necessary to investigate matters within their jurisdiction. While many counties have created Sheriff Oversight Commissions, these commissions have sometimes been denied access to confidential information they need to provide meaningful oversight of law enforcement.

For example, LASD has repeatedly refused to comply with subpoenas issued by Los Angeles County's Civilian Oversight Commission requesting information about deputy misconduct and uses of force. LASD has alleged that the records are secret under Penal Code section 832.7 because the law does not specifically state that Sheriff Oversight Boards are permitted to access them—even though the California Supreme Court has already made clear that personnel records as set forth in Penal Code section 832.7 remain confidential, even if they are transferred to another government entity that is not the employing agency, so long as the records or information drawn from those records fits the definition of personnel records in Penal Code section 832.8.

Only with the same access to confidential information as other oversight bodies, like police commissions, will Sheriff Oversight Boards be able to provide the increased transparency into the policies and practices of police and sheriff departments that the public was promised with their creation. This bill is critical to ensure the public that law enforcement leaders and officers are held accountable for misconduct, including insuring personnel are timely and appropriately investigated and, where warranted, disciplined.

## **6. Argument in Opposition**

According to the Association for Los Angeles Deputy Sheriffs:

This bill raises significant concerns regarding privacy, due process, and the potential for misuse of sensitive information. Further, the matter this measure seeks to legislate is the subject of current, ongoing litigation in the County of Los Angeles. Under current law, the California Public Records Act appropriately balances transparency with the need to protect sensitive records. Personnel records of peace officers and custodial officers are generally confidential, with exceptions including the records related to sustained misconduct, as well as limited exceptions for investigations conducted by a grand jury, a district attorney's office, or the Attorney General's

office. These exemptions are carefully tailored to ensure accountability while safeguarding officers' privacy rights. Expanding access to these records for civilian oversight boards, which may lack the rigorous procedural safeguards of these established entities, risks undermining this balance.

First, the bill could jeopardize the privacy rights of peace officers and custodial officers. Personnel records often contain highly sensitive personal information, including medical histories, family details, and other private matters unrelated to professional conduct. Allowing broader access to these records increases the risk of unauthorized disclosures or misuse, potentially exposing officers and their families to harassment, retaliation, or harm. Second, unlike grand juries or prosecutorial offices, which operate under strict legal and procedural guidelines, civilian oversight boards vary widely in structure, expertise, and accountability. Without clear standards to ensure impartiality and confidentiality, this expansion could lead to inconsistent application, biased investigations, or the politicization of officer discipline processes.

Third, the proposed change could erode trust between law enforcement agencies and the communities they serve. Officers may feel unfairly targeted or demoralized if their private records are subject to scrutiny without sufficient safeguards. This could hinder recruitment and retention efforts at a time when law enforcement agencies already face significant staffing challenges, ultimately impacting public safety. Lastly, as previously stated, the policy question posed by this measure is the subject of an ongoing legal dispute filed by the Los Angeles Sheriff's Department on March 19th. The lawsuit is being adjudicated by the Los Angeles Superior Court this summer; with an upcoming hearing on August 5th. At the very least, this measure should be tabled until the outcome of the hearing is final and made public.

**-- END --**