

**ASSEMBLY BILL**

**No. 1246**

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**Introduced by Assembly Member Quirk**

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1246, as introduced, Quirk. Peace officers.

Existing law provides that peace officer or custodial officer personnel records and records maintained by any 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. Existing law describes exceptions to this policy, including data regarding the number, type, or disposition of complaints made against officers if that information is in a form that does not identify the individuals involved.

This bill would make technical, nonsubstantive changes to these provisions.

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) Peace officer or custodial officer personnel records
- 4 and records maintained by any state or local agency pursuant to
- 5 Section 832.5, or information obtained from these records, are

1 confidential and shall not be disclosed in any criminal or civil  
2 proceeding except by discovery pursuant to Sections 1043 and  
3 1046 of the Evidence Code. This section shall not apply to  
4 investigations or proceedings concerning the conduct of peace  
5 officers or custodial officers, or an agency or department that  
6 employs those officers, conducted by a grand jury, a district  
7 attorney's office, or the Attorney General's office.

8 (b) Notwithstanding subdivision (a), a department or agency  
9 shall release to the complaining party a copy of his or her own  
10 statements at the time the complaint is filed.

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

17 (d) Notwithstanding subdivision (a), a department or agency  
18 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 he or she knows  
22 to 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 *including, but not limited to*, television, radio, or a newspaper.  
27 Disclosure of factual information by the employing agency  
28 pursuant to this subdivision is limited to facts contained in the  
29 officer's personnel file concerning the disciplinary investigation  
30 or imposition of disciplinary action that specifically refute the false  
31 statements made public by the peace or custodial officer or his or  
32 her agent or representative.

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

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

- 1 (f) Nothing in this section shall affect the discovery or disclosure
- 2 of information contained in a peace or custodial officer's personnel
- 3 file pursuant to Section 1043 of the Evidence Code.

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