

Introduced by Senator HernandezFebruary 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 573, as introduced, Hernandez. 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, subject to exception, be disclosed in any criminal or civil proceeding, as specified. Existing law also provides circumstances under which the employing agency may release factual information concerning a disciplinary investigation of the officer.

This bill would make technical, nonsubstantive changes to those 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
- 6 confidential and shall not be disclosed in any criminal or civil
- 7 proceeding except by discovery pursuant to Sections 1043 and
- 8 1046 of the Evidence Code. This section shall not apply to

1 investigations or proceedings concerning the conduct of peace
2 officers or custodial officers, or an agency or department that
3 employs those officers, conducted by a grand jury, a district
4 attorney's office, or the Attorney General's office.

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

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

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

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

33 (2) The notification described in this subdivision shall not be
34 conclusive or binding or admissible as evidence in any separate
35 or subsequent action or proceeding brought before an arbitrator,
36 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 *officer's* or custodial officer's
- 3 personnel file pursuant to Section 1043 of the Evidence Code.

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