

AMENDED IN SENATE APRIL 4, 2011

SENATE BILL

No. 573

Introduced by Senator Hernandez

February 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 573, as amended, 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.

Existing law states that these provisions do 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, or the Attorney General's office.

This bill would specify that those provisions do not apply to criminal investigations or proceedings concerning the conduct of peace officers, as specified.

This bill would make *other* technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
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 *criminal*
9 investigations or proceedings concerning the conduct of peace
10 officers or custodial officers, or an agency or department that
11 employs those officers, conducted by a grand jury, a district
12 attorney's office, or the Attorney General's office.

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

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

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

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

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

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

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