
THIRD READING

Bill No: AB 1178
Author: Pacheco (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/10/25

AYES: Arreguín, Seyarto, Caballero, Cortese, Wiener

NO VOTE RECORDED: Pérez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 60-2, 5/8/25 - See last page for vote

SUBJECT: Peace officers: confidentiality of records

SOURCE: Los Angeles County Sheriff's Department; Association of Los Angeles Deputy Sheriffs

DIGEST: This bill requires a court, in an action to compel disclosure under the California Public Records Act, to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity when an agency redacts personnel records of peace officers and custodial officers, as specified, prior to their disclosure.

ANALYSIS:

Existing law:

- 1) 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...") (California Constitution (Cal. Const.), art. I, Sec. 3.)

- 2) 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. (Government (Gov.) Code, § 7920.000 et seq.)
- 3) 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.)
- 4) 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, 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.)
- 5) Provides that the CPRA does not require the disclosure of peace officer personnel files and background investigation files gathered by law enforcement agencies pursuant to existing law 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.)
- 6) Specifies the particular circumstances under which an audio or video recording that relates to a "critical incident" may be withheld. (Gov. Code, § 7923.625.)
- 7) 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. (Penal (Pen.) Code, § 832.12.)

- 8) 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).)
- 9) 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) A record relating to the report, investigation, or findings of any of the following:
 - i. An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
 - ii. 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.
 - iii. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - iv. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
 - b) 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.
 - c) 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.

- d) 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.
 - e) 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).)
- 10) 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).)
- 11) Provides that an agency shall redact a disclosed record only for any of the following purposes:
- a) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
 - b) To preserve the anonymity of whistleblowers, complainants, victims, and witnesses.
 - c) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force by peace officers and custodial officers.
 - d) 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. (Pen. Code § 832.7, subd. (b)(6).)
- 12) Provides that notwithstanding the above provision, an agency may redact a disclosed record, including personal identifying information, where, on the facts of a particular case, the public interest served by not disclosing the

information clearly outweighs the public interest served by disclosure of the information. (Pen. Code § 832.7, subd. (b)(7).)

This bill provides that in an action to compel disclosure brought pursuant to the CPRA, in determining whether a redaction pursuant to the provision allowing redaction where there is a specific reason to believe that disclosure would pose a significant danger to the physical safety of the peace officer or another person is appropriate, a court shall consider whether a particular peace officer's duties demand anonymity.

Comments

In 2018, the Legislature passed SB 1421 (Skinner, Chapter 988, Statutes 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 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. This latter provision is the focus of this bill.

In 2021, the Legislature passed SB 16 (Skinner, Chapter 402, Statutes 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.

To summarize the relevant portions of existing law outlined above, the following types of police officer records are now subject to disclosure under the CPRA:

records relating to incidents involving an officer's discharge of a firearm at a person or an officer's use of force that results in great bodily injury or death, as well as records of records of sustained findings that an officer used excessive or unreasonable force, failed to intervene when another officer clearly used excessive or unreasonable force, sexually assaulted a member of the public, engaged in specified dishonesty, engaged in prejudicial or discriminatory conduct, or made an unlawful arrest or search. When such personnel records are subject to disclosure, existing law requires law enforcement agencies to redact those records under various specified circumstances, including "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." In addition to these redaction requirements, an agency may redact a record subject to disclosure where, on the facts of a particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

According to the Author, "a plain reading of the law does not recognize undercover status alone as grounds for a redacting an officer's identity. The current framework endangers officers working undercover on critical missions such as combating weapons trafficking, child exploitation and infiltrating organized crime rings. Disclosure of their identities not only compromises dangerous investigations, but may put officers and their families at risk of retaliation from criminal networks." As mentioned above, one of the circumstances in which a law enforcement agency must redact officer records is 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 provides that in an action to compel disclosure brought pursuant to the CPRA, in determining whether a redaction pursuant to that provision is appropriate, a court shall consider whether a particular peace officer is currently operating undercover and their duties demand anonymity.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

According to the Senate Appropriations Committee:

- Trial Courts: Unknown, potentially significant costs (General Fund, Trial Court Trust Fund) to the state funded trial courts. This bill includes the court in a process that, under existing law, is typically a local agency determination, i.e., redactions of undercover peace officer personnel records. By requiring the court to consider the appropriateness of such redactions, this bill could result in significant workload cost pressures to the trial courts.

Namely, this bill necessitates expanded evidentiary submissions (e.g., proof undercover assignments). Whenever a dispute arises, courts will be required to make individualized determinations about whether an officer's duties justify anonymity. This could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. [...]

- State and Local Law Enforcement Agencies: Unknown, potentially significant costs to state and local law enforcement agencies (local funds, General Fund) to defend agency decisions to redact peace officer records in court. This bill would require courts to consider whether a peace officer is currently operating undercover and whether their duties demand anonymity whenever there is a challenge to a record that was redacted. As a result, law enforcement agencies could face increased administrative and legal costs to meet this bill's additional evidentiary requirements to prove that their redactions, if challenged in court, are appropriate. Overall costs will vary based off the number of redactions made for specified safety reasons, and the frequency of legal challenges to those redactions. The Department of Justice (DOJ) notes that, while the impact of AB 1178 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.

SUPPORT: (Verified 8/29/25)

Association for Los Angeles Deputy Sheriffs (co-source)

Los Angeles Sheriff's Department (co-source)

Arcadia Police Officers' Association

Association for Los Angeles Deputy Sheriffs

Brea Police Association

Burbank Police Officers' Association

California Association of Highway Patrolmen

California Association of School Police Chiefs

California Coalition of School Safety Professionals

California District Attorneys Association

California Narcotic Officers' Association

California Police Chiefs Association

California Reserve Peace Officers Association

Claremont Police Officers Association

Corona Police Officers Association

Culver City Police Officers' Association

Fullerton Police Officers' Association
Los Angeles County Professional Peace Officers Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Public Risk Innovation, Solutions, and Management
Riverside Police Officers Association
Riverside Sheriffs' Association

OPPOSITION: (Verified 8/29/25)

ACLU California Action
American Community Media
California News Publisher's Association
First Amendment Coalition
Freedom of the Press Foundation
Industrial Workers of the World Freelance Journalists Union
Initiate Justice
Justice2Jobs Coalition
La Defensa
League of Women Voters of California
Media Alliance
National Press Photographer's Association
Orange County Press Club
Pacific Media Workers Guild
Radio Television Digital News Association
San Francisco Public Defender
Society of Professional Journalists, Northern California Chapter

ASSEMBLY FLOOR: 60-2, 5/8/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Calderon, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson,

Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wicks, Wilson, Zbur, Rivas

NOES: Bryan, Jackson

NO VOTE RECORDED: Arambula, Boerner, Bonta, Caloza, Carrillo, DeMaio, Flora, Gallagher, Jeff Gonzalez, Irwin, Kalra, Lee, Quirk-Silva, Celeste Rodriguez, Sharp-Collins, Wallis, Ward

Prepared by: Alex Barnett / PUB. S. /
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