
THIRD READING

Bill No: AB 847
Author: Sharp-Collins (D), et al.
Amended: 9/9/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 7/8/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

ASSEMBLY FLOOR: 53-15, 6/2/25 - See last page for vote

SUBJECT: Peace officers: confidentiality of records

SOURCE: Author

DIGEST: This bill grants 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.

Senate Floor Amendments of 9/9/25 resolve chaptering conflicts with AB 1178 (Pacheco) and AB 1388 (Bryan)

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 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) 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. (Penal (Pen.) Code, § 832.5, subd. (a)(2).)
- 7) 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 five 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).)
- 8) 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).)

- 9) 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).)
- 10) 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.)
- 11) 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).)
- 12) Specifies that notwithstanding the above provision or any other law, specified 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. (Pen. Code, § 832.7, subd. (b)(1).)
- 13) 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.)

- 14) 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.)
- 15) 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).)
- 16) 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).)

This bill:

- 1) 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.
- 2) Provides that a sheriff oversight board may conduct closed sessions to review confidential records, as specified, if those sessions comply with applicable confidentiality laws.
- 3) 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.
- 4) 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

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.” 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.” 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.

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. Additionally, the measure authorized 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 Los Angeles 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. 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. 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.”

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. Similarly, this 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, this 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.

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

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

SUPPORT: (Verified 9/9/25)

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
Oakland Privacy
Peace and Justice Law Center
Rubicon Programs
San Diego Organizing Project
San Francisco Public Defender
Sheriff Civilian Oversight Commission
Smart Justice California
Solano County Democratic Central Committee
The Translatin@Coalition
The W. Haywood Burns Institute
Trauma Informed Los Angeles
United Families for Justice
Viet Voices

OPPOSITION: (Verified 9/9/25)

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

ASSEMBLY FLOOR: 53-15, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Connolly, DeMaio, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Ávila Farías, Davies, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Macedo, Patterson, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Arambula, Bains, Carrillo, Castillo, Chen, Lackey, Muratsuchi, Ramos, Michelle Rodriguez, Blanca Rubio, Ta

Prepared by: Alex Barnett / PUB. S. /
9/11/25 10:07:00

**** END ****