

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
SB 423 (Gonzalez) – As Amended June 18, 2026

**SENATE VOTE:** NOT RELEVANT

**SUBJECT:** CALIFORNIA PUBLIC RECORDS ACT: PRIVATE DETENTION FACILITIES

**SYNOPSIS**

*Privately operated and owned immigration detention centers are notorious for inhumane conditions and mistreatment of detainees. When some journalists have attempted to obtain records of emergency calls from these facilities pursuant to the California's Public Records Act (CPRA), many have faced challenges with getting these records because agencies frequently claim exemptions under the Act. To circumvent these exemptions, this bill limits the agencies' discretion to withhold records of 911 calls or other communications describing an "incident" occurring at a private detention facility. The bill defines an incident as any mental or physical injury, any attempted suicide, any alleged crime or any emergency. Under the bill, an agency is required to redact or remove specified identifying information of any person who experienced an incident or was the victim of an alleged crime. Finally, the bill specifies that these provisions do not require an agency to provide any writing or portion of a writing during an active investigation being conducted by the agency that received the request, if doing so would substantially interfere with the investigation.*

*This bill is sponsored by the First Amendment Coalition and the Immigrant Defense Advocates. The bill also enjoys the support of a broad coalition of organizations, including those advocating for immigrant rights, civil rights, and privacy rights, as well as various representatives of the news media. Generally, these groups contend this bill will, by requiring disclosures of calls from private detention facilities to public agencies, help shine a light on civil rights violations and inhumane conditions that exist within private detention facilities. There is no registered opposition to this bill.*

**SUMMARY:** Specifies that records of calls, and written communications that report or describe an "incident," as defined, occurring at a private detention facility are not confidential and must be disclosed by an agency upon request, unless specific circumstances are present. Specifically, **this bill:**

- 1) Specifies that all of the following records maintained by a state or local agency are not confidential and an agency must disclose these records upon request to any member of the public:
  - a) Any recording of any telephonic or other call to the agency that reports or describes an incident occurring at a private detention facility, or any transcript of any such recording.
  - b) Any written communication to the agency that reports or describes any incident occurring at a private detention facility.

- c) Any writing related to a recording or any transcript described in a) or a written communication described in b), including, but not limited to, any communications, notes, reports, investigations, or findings, except as provided in 2).
- 2) Specifies that c) above does not require an agency to disclose a writing or portion of a writing during an active investigation being conducted by the agency that received the request if the disclosure would substantially interfere with the investigation, including by endangering the safety of a witness or confidential source. Specifies that this does not authorize withholding of any of the following:
  - a) An audio or video recording or transcript described in a) above or any portion thereof.
  - b) A written communication described in b) above or any portion thereof.
- 3) Requires an agency to redact any record disclosed pursuant to this bill to remove the name or identifying number of a person who reportedly experienced an incident or was the victim of specified crimes.
- 4) Defines, for the purposes of the bill, the following:
  - a) “Incident” means any mental or physical illness or injury, any attempted suicide, any alleged crime, or any emergency.
  - b) “Private detention facility” means the term as defined in existing law.
- 5) Makes legislative findings.

**EXISTING LAW:**

- 1) Provides that the people have the right of access to information concerning the conduct of the people’s business and, therefore, the writings of public officials and agencies shall be open to public scrutiny. Specifies that any law or rule that limits the public right of access shall be adopted with findings demonstrating the interest protected by the limitation. (California Constitution, art. I, Section 3.)
- 2) Provides that, in enacting the California Public Records Act (CPRA), the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Government Code Section 7921.000.)
- 3) Defines “public records” to include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics and those in the custody of, or maintained by, the Governor’s office means any writing prepared on or after January 6, 1975. (Government Code Section 7920.530.)
- 4) Provides that public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, exempted as otherwise provided; and that any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code Section 7922.525.)

- 5) Requires a public agency to determine whether it has disclosable public records in its possession within ten days or, in specified “unusual circumstances,” within 14 days of the ten-day period, of its receipt of a request for public records and to promptly notify the person making the request of the determination and the reasons therefor. (Government Code Section 7922.535 (a).)
- 6) Defines, for the purposes of 5) “unusual circumstances” to mean the following, to the extent reasonably necessary to the proper processing of the particular request:
  - a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
  - b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
  - c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
  - d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.
  - e) The inability of the agency, because of a cyberattack, to access its electronic servers or systems in order to search for and obtain a record that the agency believes is responsive to a request and is maintained on the servers or systems in an electronic format.  
(Government Code Section 7922.535 (c).)
- 7) Requires a public agency to justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code Section 7922.000.)
- 8) Specifies that, except as specified in existing law, the CPRA does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence 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 agency for correctional, law enforcement, or licensing purposes. (Government Code Section 7923.600.)
- 9) Provides that a video or audio recording that relates to a “critical incident,” which is defined as an incident involving the discharge of a firearm at a person by a peace officer or custodial officer or an incident in which the use of force by a peace officer or custodial officer resulted in death or in great bodily injury, may be withheld only as follows:
  - a) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonable should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure, the agency must provide in writing to

the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

- i. After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to the above, the agency must promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency must reassess withholding and notify the requester every 30 days. A recording withheld by the agency must be disclosed promptly when the specific basis for withholding is resolved.
  - b) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency must provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction must not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording must not otherwise be edited or altered. (Government Code Section 7923.625.)
- 10) Establishes the Warren-911 Emergency Assistance Act, which establishes the number "911" as the primary emergency telephone number for use in this state and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number "911" seeking police, fire, medical, rescue, and other emergency services. (Government Code Section 53100 *et seq.*)
- 11) Defines a "detention facility" as a facility in which persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court or detention pending a trial hearing or other judicial or administrative proceeding. Defines a "private detention facility" as a detention facility that is operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a governmental entity. Excludes various types of facilities from the definition of detention facility, including a facility providing specified health services, residential care facilities, and facilities used for quarantine. (Government Code Section 7320.)
- 12) Specifies that any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the CPRA. (Civil Code Section 1670.9.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** Privately operated and owned immigration detention centers are notorious for inhumane conditions and mistreatment of detainees. In November 2025, the American Civil Liberties Union with other civil rights organizations filed a class action lawsuit on behalf of a group of detainees at a facility in California City, alleging failure to provide sanitary conditions and access to health care, including sewage leaks, insect infestations, lack of access to attorneys, and insufficient cold-weather clothing. (Maria Pena, *Detainees sue ICE for allegedly denying medical care at California City facility*, The Fresno Bee (Nov. 15, 2025) available at: <https://www.fresnobee.com/news/california/article312905782.html>.) News reports about another detention center in San Diego detail rampant rape and sexual abuse, including an allegation of at least seven reported assaults at the Otay Mesa center in 2025 went uninvestigated. (Wendy Fry and Niguel Duara, *Why a private company is investigating rapes at an ICE detention center instead of the sheriff*, CalMatters (Mar. 24, 2026) available at: <https://www.fresnobee.com/news/california/article312905782.html>.)

When some journalists have attempted to obtain records of emergency calls from these facilities pursuant to the California's Public Records Act (CPRA), many have faced challenges with getting these records because agencies frequently claim exemptions under the Act. To increase transparency surrounding the conditions in these facilities, the author introduced this measure, which limits the discretion of an agency to withhold 911 calls and other records related to private detention facilities. In support of this bill, the author states:

Private detention facilities in California currently detain approximately 6,400 people and have been the subjects of numerous reports of inhumane conditions – yet because they are run by private, for-profit corporations, the public has little ability to see what happens inside them. California's Attorney General inspects and reports on conditions at these facilities, but records of emergencies and calls for help—911 recordings, dispatch logs, and reports of assault, medical crises, and sexual violence—are routinely withheld when agencies invoke law enforcement exemptions under the Public Records Act. In one recent case, according to a CalMatters investigation, a Sheriff's department refused to release audio recordings of 911 calls or a full dispatch log from a private facility, citing a law enforcement investigation exemption and leaving officials and the public unable to verify whether the facility was protecting the people in its care. SB 423 amends the California Public Records Act to require local agencies to disclose records of emergency calls from private detention facilities, while protecting privacy by redacting victims' identifying information and allowing limited withholding of records that would substantially interfere with an active investigation. No facility that holds people in government custody should operate in the dark, and the bill gives California the ability to hold these facilities accountable when they violate the rights of those they detain.

**911 recordings and investigatory exemptions from the CPRA.** Under the California Public Records Act (CPRA), public records are open to inspection at all times during the office hours of a public agency for inspection by the public, unless exempted. (Government Code Section 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Section 7920.530.) Despite the CPRA's general rule that public records are open to inspection and subject to disclosure, the CPRA provides exceptions providing that a document, or a portion thereof, is not subject to public disclosure. An

exemption can be explicit in the CPRA itself, pursuant to another law, or justified by the agency's determination that, based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (See Sections 7922.000, 7922.525, 7922.530.)

Records of 911 calls reporting emergencies are disclosable under the CPRA. However, requesters frequently face barriers when attempting to get access to recordings of the calls themselves, transcripts of the calls, or any written communications describing the calls. Agencies can and have claimed law enforcement investigatory record exemptions when individuals request these records.

Exemptions for investigatory records allow agencies to withhold any investigatory or security files compiled by any 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. (Section 7923.600.) Agencies can also withhold "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." (*Id.*) Because "the investigation exemption does not terminate when the investigation terminates," these records can be unavailable to the public in perpetuity. (*Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169, 174.)

Accordingly, **this bill** seeks to limit the scope of the investigatory exemption and any other exemptions under the CPRA as they related to records describing incidents at a private detention facility. For the purposes of the bill, an "incident" is defined as "any medical or physical illness or injury, any attempted suicide, any alleged crime, or any emergency." Under the bill, agencies would be required to provide recordings of a 911 call or any transcript of the call that reports or describes an incident occurring at a private detention facility. The bill also requires an agency to disclose any written communication it receives, which reports or describes an incident at a private detention facility. Finally, any writings, including notes, reports, investigations, or findings, related to those calls and written communications would also have to be disclosed if requested.

To ensure the privacy of any victims of an incident, the bill requires an agency to redact the name or an identifying number of a person who has reportedly experienced an incident or was the victim of specified crimes. Additionally, the bill also specifies that it does not require an agency to disclose a writing or portion of a writing during an active investigation being conducted by the agency that received the request, if the disclosure would substantially interfere with the investigation, including by endangering the safety of a witness or a confidential source.

On balance, this bill should provide members of the public and journalists with additional insight into the conditions of these centers while still preserving the privacy of detainees that experience medical events or are victims of an alleged crime, without substantially interfering with an active investigation.

**ARGUMENTS IN SUPPORT:** One of the co-sponsors of the bill, the First Amendment Coalition, along with several other groups representing journalists, publishers, and other representatives of the news media, collectively write the following in support of the bill:

This bill is a necessary and urgently needed transparency measure to ensure that the public, journalists, policymakers, and state and local officials can better understand what is happening inside privately operated detention facilities.

Private detention facilities operate within California and confine people pursuant to government authority, yet much of what occurs inside these facilities remains hidden from public view. The need for more transparency is especially acute given the number of people — approximately 6,400 — being held in privately run civil detention centers in California every day has nearly doubled since early 2025. Those detained include long-term California residents, asylum seekers and, at times, U.S. citizens mistakenly placed in immigration detention. Many are held for lengthy periods; the average length of detention in some California facilities exceeded 100 days in 2025.

[...]

Journalists trying to document these important stories in California often face barriers to public records. For example, a 2026 CalMatters investigation found a rise in reports of rape and other sexual violence at the Otay Mesa detention facility in San Diego County. The limited amount of public records made available showed that in 2025 there were 159 calls for service, 21 of them related to the federal Prison Rape Elimination Act, and seven of those alleging rape. When journalists tried to uncover more information, the sheriff's department refused to release recordings of the 911 calls or the full dispatch log, stating that the records were exempt as they were records of a law enforcement investigation, even though a contract revealed that the sheriff had ceded control of the investigations to private administrators employed by the for-profit prison contractor. Reporters at other news organizations have experienced similar barriers to crucial information. The San Bernardino Sun this year reported a sixfold increase in 911 calls from Adelanto's detention center. But when the reporter sought to understand specific incidents in greater detail, the sheriff's department withheld the information citing the investigatory records exemption.

SB 423 addresses this gap by making disclosure of 911 call records in this context mandatory rather than discretionary. Existing law already allows or requires local agencies to disclose these records under the California Public Records Act, or CPRA. SB 423 does not affect that existing framework. But the public's right to know should not depend on inconsistent local practices or discretionary withholding. When a private detention facility generates emergency calls to local agencies, those records should be accessible to the public, subject to appropriate safeguards.

The bill also balances transparency with legitimate privacy and law enforcement concerns. SB 423 includes safeguards to protect names of victims and allows an agency to withhold certain information when there is an active investigation and disclosure would substantially interfere with that investigation. These protections ensure that transparency does not come at the expense of victim privacy or legitimate investigative needs.

Similarly, Immigrant Defense Advocates, the other co-sponsor of the bill, states the following:

The need for SB 423 is especially urgent given the rapid growth of immigration detention in California and across the country. There are currently seven private detention facilities operating in California, with an estimated capacity of more than 9,000 beds. Those detained

include long-term California residents, asylum seekers, and, in some cases, U.S. citizens who have been mistakenly placed in immigration detention. Many are detained for lengthy periods, with the average length of detention in some California facilities stretching beyond 200 days in 2025. Since September 2025, six people detained at the Adelanto and Imperial Regional ICE Processing Centers have died.

[...]

Transparency has already proven essential in exposing abuses in detention settings. Public access to emergency call records has enabled journalists in other states to document attempted suicides, assaults, medical neglect, pregnancy complications, sexual assault reports, and inhumane conditions inside privately run detention facilities. Increased scrutiny has, in some cases, prompted federal action and contractor changes. California should not allow comparable records to remain hidden while people detained in private facilities face serious harm.

[...]

SB 423 is a modest, targeted, and necessary step toward accountability. By requiring disclosure of 911 calls and other calls for service from private detention facilities, the bill will help shine a light on civil rights violations, alleged crimes, medical emergencies, and inhumane conditions that too often remain hidden. Public access to these records will strengthen oversight, support responsible policymaking, and help ensure that private detention operators cannot evade scrutiny when people in their custody are harmed.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

First Amendment Coalition (co-sponsor)  
Immigrant Defense Advocates (co-sponsor)  
ACLU California Action  
Amnesty International USA  
Asian American Journalists Association, Los Angeles  
Association of Alternative Newsmedia Publishers  
Buen Vecino  
California Community Foundation  
California News Publishers Association  
Cenma: Latino Journalists of California  
Central Valley Immigrant Integration Collaborative  
Disability Rights California  
Freedom of the Press Foundation  
Indivisible Alta Pasadena  
Indivisible Marin  
Indivisible Media City Burbank  
Indivisible Sacramento  
Indivisible Santa Cruz County  
Indivisible West Marin  
Indivisible Westside Los Angeles  
Inland Counties Legal Services INC.

Law Office of Helen Lawrence  
League of Women Voters of California  
Los Angeles Press Club  
National Association of Hispanic Journalists  
Oakland Privacy  
Oasis Legal Services  
Orange County Press Club  
San Diego Pro Chapter of the Society of Professional Journalists  
Society of Professional Journalists  
Society of Professional Journalists, Greater Los Angeles Chapter  
Society of Professional Journalists, Northern California Chapter  
Venice Resistance  
Wellstone Democratic Renewal Club

**Opposition**

None on file

**Analysis Prepared by:** Kristian Wright / JUD. / (916) 319-2334