

SENATE THIRD READING
SB 423 (Gonzalez)
As Amended August 20, 2026
Majority vote

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.

Major Provisions

- 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) For records in the possession of a law enforcement agency, any writing related to the report, investigation, or findings of an incident reported or described in a recording or any transcript described in a) or a written communication described in b), 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 both of the following:
 - a) The name or identifying number of a person who reportedly experienced an incident or was the victim of specified crimes.
 - b) The name or identifying number of a person, including, but not limited to, a whistleblower, complainant, or witness, if there is a specific, articulable, and particularized reason to believe that failure to do so would pose a significant danger to the physical safety of that person.
- 4) Specifies that an agency must not redact any record disclosed pursuant to this bill except as required by this bill.

- 5) 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.
- 6) Specifies that the provisions of this bill will not apply to the office of the Attorney General or the Department of Justice, *the Department of Consumer Affairs, or any board, bureau, committee, commission, program, or other state entity within the Department of Consumer Affairs.*
- 7) Specifies that this bill will not be construed to limit, restrict, or reduce any public right of access to records or information provided by any other law.

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.

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. All further code references are to the Government Code.) 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, for records in the possession of a law enforcement agency, any writings related to the report, investigation, or findings of an incident reported or described in specified recordings, transcripts, or written communications 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. Agencies are also required to redact the name or identifying number of any whistleblower, complainant, or witness, if there is a specific, articulable, and particularized reason to believe that failure to do so would pose a significant danger to the physical safety of that person. 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 or endangering the safety of critical witnesses.

According to the Author

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, costs of an unknown amount, potentially significant, to state agencies including CalFIRE and the Department of Consumer Affairs (General Fund, special funds) to respond to records requests within the scope of the bill.

VOTES**SENATE FLOOR: 39-0-1**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM NATURAL RESOURCES: 13-0-1

YES: Bryan, Alanis, Connolly, Ellis, Flora, Garcia, Haney, Hoover, Kalra, Muratsuchi, Pellerin, Schultz, Zbur

ABS, ABST OR NV: Wicks

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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