

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE APRIL 15, 2021

**SENATE BILL**

**No. 16**

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**Introduced by Senator Skinner**

December 7, 2020

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An act to amend Section 1045 of the Evidence Code, and to amend Sections 832.5, 832.7, and 832.12 of, and to add Section 832.13 to, the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 16, as amended, Skinner. Peace officers: release of records.

(1) Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Existing law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Existing law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified.

This bill ~~would, commencing July 1, 2022, would~~ make every incident involving ~~use of force to make a member of the public comply with an officer, force that is unreasonable, unreasonable or excessive force excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force,~~ subject

to disclosure. The bill ~~would, commencing July 1, 2022, would~~ require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill ~~would, commencing July 1, 2022, would~~ also require the disclosure of records 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 involving prejudice or discrimination on the basis of specified protected classes. *The bill would make the limitations on delay of disclosure inapplicable until January 1, 2023, for the described records relating to incidents that occurred before January 1, 2022.* The bill would require the retention of all complaints and related reports or findings currently in the possession of a department or ~~agency.~~ *agency, as specified.* The bill would require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release. For purposes of releasing records, the bill would prohibit assertion of the attorney-client privilege to limit the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation done by the public entity's attorney, or billing records related to the work done by the attorney. The bill would expand the authorization to redact records to allow redaction to preserve the anonymity of victims and whistleblowers. The bill would require records subject to disclosure to be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure, except as specified. ~~The bill would impose a civil fine not to exceed \$1,000 per day for each day beyond 30 days that records subject to disclosure are not disclosed. The bill would entitle a member of the public who successfully files suit for the release of records to twice the party's reasonable costs and attorney's fees.~~ By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

(2) Existing law authorizes an agency to delay the release of a record involving the discharge of a firearm or the use of force during an active criminal investigation, as provided.

This bill would expand the authorization to delay the release of records during an investigation to include records of incidents involving sexual assault and dishonesty by officers, and the records of incidents involving prejudice or discrimination, wrongful arrests, and wrongful searches that are required to be made public by this bill.

(3) Existing law requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints

concerning peace officer conduct that is more than 5 years older than the subject of the litigation.

This bill would delete that provision.

(4) Existing law requires an agency or department employing peace officers to make a record of any investigations of misconduct. Existing law requires a peace officer seeking employment with a department or agency to give written permission to the hiring agency or department to view that file.

This bill would require each department or agency to request and review that file prior to hiring a peace officer. The bill would also require every person employed as a peace officer to immediately report all uses of force by the officer to the officer's department or agency. By imposing additional duties on local law enforcement, the bill would impose a state-mandated local program.

(5) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1045 of the Evidence Code is amended  
2 to read:  
3 1045. (a) This article does not affect the right of access to  
4 records of complaints, or investigations of complaints, or discipline  
5 imposed as a result of those investigations, concerning an event

1 or transaction in which the peace officer or custodial officer, as  
2 defined in Section 831.5 of the Penal Code, participated, or which  
3 the officer perceived, and pertaining to the manner in which the  
4 officer performed the officer's duties, provided that information  
5 is relevant to the subject matter involved in the pending litigation.

6 (b) In determining relevance, the court shall examine the  
7 information in chambers in conformity with Section 915, and shall  
8 exclude from disclosure both of the following:

9 (1) In any criminal proceeding the conclusions of any officer  
10 investigating a complaint filed pursuant to Section 832.5 of the  
11 Penal Code.

12 (2) Facts sought to be disclosed that are so remote as to make  
13 disclosure of little or no practical benefit.

14 (c) In determining relevance where the issue in litigation  
15 concerns the policies or pattern of conduct of the employing  
16 agency, the court shall consider whether the information sought  
17 may be obtained from other records maintained by the employing  
18 agency in the regular course of agency business which would not  
19 necessitate the disclosure of individual personnel records.

20 (d) Upon motion seasonably made by the governmental agency  
21 which has custody or control of the records to be examined or by  
22 the officer whose records are sought, and upon good cause showing  
23 the necessity thereof, the court may make any order which justice  
24 requires to protect the officer or agency from unnecessary  
25 annoyance, embarrassment or oppression.

26 (e) The court shall, in any case or proceeding permitting the  
27 disclosure or discovery of any peace or custodial officer records  
28 requested pursuant to Section 1043, order that the records disclosed  
29 or discovered may not be used for any purpose other than a court  
30 proceeding pursuant to applicable law.

31 SEC. 2. Section 832.5 of the Penal Code is amended to read:

32 832.5. (a) (1) Each department or agency in this state that  
33 employs peace officers shall establish a procedure to investigate  
34 complaints by members of the public against the personnel of these  
35 departments or agencies, and shall make a written description of  
36 the procedure available to the public.

37 (2) Each department or agency that employs custodial officers,  
38 as defined in Section 831.5, may establish a procedure to  
39 investigate complaints by members of the public against those  
40 custodial officers employed by these departments or agencies,

1 provided however, that any procedure so established shall comply  
2 with the provisions of this section and with the provisions of  
3 Section 832.7.

4 (b) Complaints and any reports or findings relating to these  
5 ~~complaints shall be retained~~, *complaints*, including all complaints  
6 and any reports currently in the possession of the department or  
7 ~~agency~~, *agency*, shall be retained for a period of no less than five  
8 years for records where there was not a sustained finding of  
9 misconduct and for not less than 15 years where there was a  
10 sustained finding of misconduct. A record shall not be destroyed  
11 while a request related to that record is being processed or any  
12 process or litigation to determine whether the record is subject to  
13 release is ongoing. All complaints retained pursuant to this  
14 subdivision may be maintained either in the peace or custodial  
15 officer's general personnel file or in a separate file designated by  
16 the department or agency as provided by department or agency  
17 policy, in accordance with all applicable requirements of law.  
18 However, prior to any official determination regarding promotion,  
19 transfer, or disciplinary action by an officer's employing  
20 department or agency, the complaints described by subdivision  
21 (c) shall be removed from the officer's general personnel file and  
22 placed in separate file designated by the department or agency, in  
23 accordance with all applicable requirements of law.

24 (c) Complaints by members of the public that are determined  
25 by the peace or custodial officer's employing agency to be  
26 frivolous, as defined in Section 128.5 of the Code of Civil  
27 Procedure, or unfounded or exonerated, or any portion of a  
28 complaint that is determined to be frivolous, unfounded, or  
29 exonerated, shall not be maintained in that officer's general  
30 personnel file. However, these complaints shall be retained in  
31 other, separate files that shall be deemed personnel records for  
32 purposes of the California Public Records Act (Chapter 3.5  
33 (commencing with Section 6250) of Division 7 of Title 1 of the  
34 Government Code) and Section 1043 of the Evidence Code.

35 (1) Management of the peace or custodial officer's employing  
36 agency shall have access to the files described in this subdivision.

37 (2) Management of the peace or custodial officer's employing  
38 agency shall not use the complaints contained in these separate  
39 files for punitive or promotional purposes except as permitted by  
40 subdivision (f) of Section 3304 of the Government Code.

1 (3) Management of the peace or custodial officer’s employing  
2 agency may identify any officer who is subject to the complaints  
3 maintained in these files which require counseling or additional  
4 training. However, if a complaint is removed from the officer’s  
5 personnel file, any reference in the personnel file to the complaint  
6 or to a separate file shall be deleted.

7 (d) As used in this section, the following definitions apply:

8 (1) “General personnel file” means the file maintained by the  
9 agency containing the primary records specific to each peace or  
10 custodial officer’s employment, including evaluations, assignments,  
11 status changes, and imposed discipline.

12 (2) “Unfounded” means that the investigation clearly established  
13 that the allegation is not true.

14 (3) “Exonerated” means that the investigation clearly established  
15 that the actions of the peace or custodial officer that formed the  
16 basis for the complaint are not violations of law or department  
17 policy.

18 SEC. 3. Section 832.7 of the Penal Code is amended to read:

19 832.7. (a) Except as provided in subdivision (b), the personnel  
20 records of peace officers and custodial officers and records  
21 maintained by a state or local agency pursuant to Section 832.5,  
22 or information obtained from these records, are confidential and  
23 shall not be disclosed in any criminal or civil proceeding except  
24 by discovery pursuant to Sections 1043 and 1046 of the Evidence  
25 Code. This section does not apply to investigations or proceedings  
26 concerning the conduct of peace officers or custodial officers, or  
27 an agency or department that employs those officers, conducted  
28 by a grand jury, a district attorney’s office, or the Attorney  
29 General’s office.

30 (b) (1) Notwithstanding subdivision (a), subdivision (f) of  
31 Section 6254 of the Government Code, or any other law, the  
32 following peace officer or custodial officer personnel records and  
33 records maintained by a state or local agency shall not be  
34 confidential and shall be made available for public inspection  
35 pursuant to the California Public Records Act (Chapter 3.5  
36 commencing with Section 6250) of Division 7 of Title 1 of the  
37 Government Code):

38 (A) A record relating to the report, investigation, or findings of  
39 any of the following:

1 (i) An incident involving the discharge of a firearm at a person  
2 by a peace officer or custodial officer.

3 (ii) An incident involving the use of force against a person by  
4 a peace officer or custodial officer that resulted in death or in great  
5 bodily injury.

6 ~~(iii) Commencing July 1, 2022, an~~ An incident involving the  
7 ~~use of force to make a member of the public comply with an~~  
8 ~~officer, force that is unreasonable, or excessive force against a~~  
9 ~~person by a peace officer or custodial officer. a complaint that~~  
10 ~~alleges unreasonable or excessive force.~~

11 (iv) A sustained finding that an officer failed to intervene against  
12 another officer using force that is clearly unreasonable or  
13 excessive.

14 (B) (i) Any record relating to an incident in which a sustained  
15 finding was made by any law enforcement agency or oversight  
16 agency that a peace officer or custodial officer engaged in sexual  
17 assault involving a member of the public.

18 (ii) As used in this subparagraph, “sexual assault” means the  
19 commission or attempted initiation of a sexual act with a member  
20 of the public by means of force, threat, coercion, extortion, offer  
21 of leniency or other official favor, or under the color of authority.  
22 For purposes of this definition, the propositioning for or  
23 commission of any sexual act while on duty is considered a sexual  
24 assault.

25 (iii) As used in this subparagraph, “member of the public” means  
26 any person not employed by the officer’s employing agency and  
27 includes any participant in a cadet, explorer, or other youth program  
28 affiliated with the agency.

29 (C) Any record relating to an incident in which a sustained  
30 finding was made by any law enforcement agency or oversight  
31 agency involving dishonesty by a peace officer or custodial officer  
32 directly relating to the reporting, investigation, or prosecution of  
33 a crime, or directly relating to the reporting of, or investigation of  
34 misconduct by, another peace officer or custodial officer, including,  
35 but not limited to, any false statements, filing false reports,  
36 destruction, falsifying, or concealing of evidence, or perjury.

37 ~~(D) Commencing July 1, 2022, any~~ Any record relating to an  
38 incident in which a sustained finding was made by any law  
39 enforcement agency or oversight agency that a peace officer or  
40 custodial officer engaged in conduct including, but not limited to,

1 verbal statements, writings, online posts, recordings, and gestures,  
2 involving prejudice or discrimination against a person on the basis  
3 of race, religious creed, color, national origin, ancestry, physical  
4 disability, mental disability, medical condition, genetic information,  
5 marital status, sex, gender, gender identity, gender expression,  
6 age, sexual orientation, or military and veteran status.

7 ~~(E) Commencing July 1, 2022, any~~ Any record relating to an  
8 incident in which a sustained finding was made by any law  
9 enforcement agency or oversight agency that the peace officer  
10 made an unlawful arrest or conducted an unlawful search.

11 *(2) Records that are subject to disclosure under clause (iii) or*  
12 *(iv) of subparagraph (A) of paragraph (1), or under subparagraph*  
13 *(D) or (E) of paragraph (1), relating to an incident that occurred*  
14 *before January 1, 2022, shall not be subject to the time limitations*  
15 *in paragraph (8) until January 1, 2023.*

16 ~~(2)~~

17 (3) Records that shall be released pursuant to this subdivision  
18 include all investigative reports; photographic, audio, and video  
19 evidence; transcripts or recordings of interviews; autopsy reports;  
20 all materials compiled and presented for review to the district  
21 attorney or to any person or body charged with determining  
22 whether to file criminal charges against an officer in connection  
23 with an incident, whether the officer's action was consistent with  
24 law and agency policy for purposes of discipline or administrative  
25 action, or what discipline to impose or corrective action to take;  
26 documents setting forth findings or recommended findings; and  
27 copies of disciplinary records relating to the incident, including  
28 any letters of intent to impose discipline, any documents reflecting  
29 modifications of discipline due to the Skelly or grievance process,  
30 and letters indicating final imposition of discipline or other  
31 documentation reflecting implementation of corrective action.  
32 Records that shall be released pursuant to this subdivision also  
33 include records relating to an incident specified in paragraph (1)  
34 in which the peace officer or custodial officer resigned before the  
35 law enforcement agency or oversight agency concluded its  
36 investigation into the alleged incident.

37 ~~(3)~~

38 (4) A record from a separate and prior investigation or  
39 assessment of a separate incident shall not be released unless it is  
40 independently subject to disclosure pursuant to this subdivision.

1     ~~(4)~~

2     (5) If an investigation or incident involves multiple officers,  
3 information about allegations of misconduct by, or the analysis or  
4 disposition of an investigation of, an officer shall not be released  
5 pursuant to subparagraph (B), (C), (D), or (E) of paragraph (1),  
6 unless it relates to a sustained finding regarding that officer that  
7 is itself subject to disclosure pursuant to this section. However,  
8 factual information about that action of an officer during an  
9 incident, or the statements of an officer about an incident, shall be  
10 released if they are relevant to a finding against another officer  
11 that is subject to release pursuant to subparagraph (B), (C), (D),  
12 or (E) of paragraph (1).

13     ~~(5)~~

14     (6) An agency shall redact a record disclosed pursuant to this  
15 section only for any of the following purposes:

16     (A) To remove personal data or information, such as a home  
17 address, telephone number, or identities of family members, other  
18 than the names and work-related information of peace and custodial  
19 officers.

20     (B) To preserve the anonymity of whistleblowers, complainants,  
21 victims, and witnesses.

22     (C) To protect confidential medical, financial, or other  
23 information of which disclosure is specifically prohibited by federal  
24 law or would cause an unwarranted invasion of personal privacy  
25 that clearly outweighs the strong public interest in records about  
26 possible misconduct and use of force by peace officers and  
27 custodial officers.

28     (D) Where there is a specific, articulable, and particularized  
29 reason to believe that disclosure of the record would pose a  
30 significant danger to the physical safety of the peace officer,  
31 custodial officer, or another person.

32     ~~(6)~~

33     (7) Notwithstanding paragraph ~~(5)~~, (6), an agency may redact  
34 a record disclosed pursuant to this section, including personal  
35 identifying information, where, on the facts of the particular case,  
36 the public interest served by not disclosing the information clearly  
37 outweighs the public interest served by disclosure of the  
38 information.

39     ~~(7)~~

1 (8) An agency may withhold a record of an incident described  
2 in paragraph (1) that is the subject of an active criminal or  
3 administrative investigation, in accordance with any of the  
4 following:

5 (A) (i) During an active criminal investigation, disclosure may  
6 be delayed for up to 60 days from the date the misconduct or use  
7 of force occurred or until the district attorney determines whether  
8 to file criminal charges related to the misconduct or use of force,  
9 whichever occurs sooner. If an agency delays disclosure pursuant  
10 to this clause, the agency shall provide, in writing, the specific  
11 basis for the agency's determination that the interest in delaying  
12 disclosure clearly outweighs the public interest in disclosure. This  
13 writing shall include the estimated date for disclosure of the  
14 withheld information.

15 (ii) After 60 days from the misconduct or use of force, the  
16 agency may continue to delay the disclosure of records or  
17 information if the disclosure could reasonably be expected to  
18 interfere with a criminal enforcement proceeding against an officer  
19 who engaged in misconduct or used the force. If an agency delays  
20 disclosure pursuant to this clause, the agency shall, at 180-day  
21 intervals as necessary, provide, in writing, the specific basis for  
22 the agency's determination that disclosure could reasonably be  
23 expected to interfere with a criminal enforcement proceeding. The  
24 writing shall include the estimated date for the disclosure of the  
25 withheld information. Information withheld by the agency shall  
26 be disclosed when the specific basis for withholding is resolved,  
27 when the investigation or proceeding is no longer active, or by no  
28 later than 18 months after the date of the incident, whichever occurs  
29 sooner.

30 (iii) After 60 days from the misconduct or use of force, the  
31 agency may continue to delay the disclosure of records or  
32 information if the disclosure could reasonably be expected to  
33 interfere with a criminal enforcement proceeding against someone  
34 other than the officer who engaged in the misconduct or used the  
35 force. If an agency delays disclosure under this clause, the agency  
36 shall, at 180-day intervals, provide, in writing, the specific basis  
37 why disclosure could reasonably be expected to interfere with a  
38 criminal enforcement proceeding, and shall provide an estimated  
39 date for the disclosure of the withheld information. Information  
40 withheld by the agency shall be disclosed when the specific basis

1 for withholding is resolved, when the investigation or proceeding  
2 is no longer active, or by no later than 18 months after the date of  
3 the incident, whichever occurs sooner, unless extraordinary  
4 circumstances warrant continued delay due to the ongoing criminal  
5 investigation or proceeding. In that case, the agency must show  
6 by clear and convincing evidence that the interest in preventing  
7 prejudice to the active and ongoing criminal investigation or  
8 proceeding outweighs the public interest in prompt disclosure of  
9 records about misconduct or use of force by peace officers and  
10 custodial officers. The agency shall release all information subject  
11 to disclosure that does not cause substantial prejudice, including  
12 any documents that have otherwise become available.

13 (iv) In an action to compel disclosure brought pursuant to  
14 Section 6258 of the Government Code, an agency may justify  
15 delay by filing an application to seal the basis for withholding, in  
16 accordance with Rule 2.550 of the California Rules of Court, or  
17 any successor rule, if disclosure of the written basis itself would  
18 impact a privilege or compromise a pending investigation.

19 (B) If criminal charges are filed related to the incident in which  
20 misconduct occurred or force was used, the agency may delay the  
21 disclosure of records or information until a verdict on those charges  
22 is returned at trial or, if a plea of guilty or no contest is entered,  
23 the time to withdraw the plea pursuant to Section 1018.

24 (C) During an administrative investigation into an incident  
25 described in paragraph (1), the agency may delay the disclosure  
26 of records or information until the investigating agency determines  
27 whether the misconduct or use of force violated a law or agency  
28 policy, but no longer than 180 days after the date of the employing  
29 agency's discovery of the misconduct or use of force, or allegation  
30 of misconduct or use of force, by a person authorized to initiate  
31 an investigation.

32 ~~(8)~~

33 (9) A record of a complaint, or the investigations, findings, or  
34 dispositions of that complaint, shall not be released pursuant to  
35 this section if the complaint is frivolous, as defined in Section  
36 128.5 of the Code of Civil Procedure, or if the complaint is  
37 unfounded.

38 ~~(9)~~

39 (10) The cost of copies of records subject to disclosure pursuant  
40 to this subdivision that are made available upon the payment of

1 fees covering direct costs of duplication pursuant to subdivision  
2 (b) of Section 6253 of the Government Code shall not include the  
3 costs of editing or redacting the records.

4 ~~(10)~~

5 (11) Except to the extent temporary withholding for a longer  
6 period is permitted pursuant to paragraph ~~(7); (8)~~, records subject  
7 to disclosure under this subdivision shall be provided at the earliest  
8 possible time and no later than 45 days from the date of a request  
9 for their disclosure. ~~For every day beyond 30 days after the date~~  
10 ~~which a record is to be disclosed, as required by this subdivision,~~  
11 ~~an agency shall be subject to a civil fine not to exceed one thousand~~  
12 ~~dollars (\$1,000) per day for each day that the records are not~~  
13 ~~disclosed.~~

14 ~~(11) Notwithstanding subdivision (d) of Section 6259 of the~~  
15 ~~Government Code, a member of the public who files a suit pursuant~~  
16 ~~to Section 6258 of the Government Code for records required by~~  
17 ~~this subdivision that are found to have been improperly withheld~~  
18 ~~or improperly redacted shall be entitled to twice the party's~~  
19 ~~reasonable costs and attorney's fees. Costs and fees awarded~~  
20 ~~pursuant to this paragraph shall be paid by the public agency.~~

21 (12) For purposes of releasing records pursuant to this  
22 subdivision, the attorney-client privilege shall not be asserted to  
23 limit the disclosure of factual information provided by the public  
24 entity to its attorney, factual information discovered by any  
25 investigation done by the public entity's attorney, or billing records  
26 related to the work done by the attorney.

27 (c) Notwithstanding subdivisions (a) and (b), a department or  
28 agency shall release to the complaining party a copy of the  
29 complaining party's own statements at the time the complaint is  
30 filed.

31 (d) Notwithstanding subdivisions (a) and (b), a department or  
32 agency that employs peace or custodial officers may disseminate  
33 data regarding the number, type, or disposition of complaints  
34 (sustained, not sustained, exonerated, or unfounded) made against  
35 its officers if that information is in a form which does not identify  
36 the individuals involved.

37 (e) Notwithstanding subdivisions (a) and (b), a department or  
38 agency that employs peace or custodial officers may release factual  
39 information concerning a disciplinary investigation if the officer  
40 who is the subject of the disciplinary investigation, or the officer's

1 agent or representative, publicly makes a statement they know to  
2 be false concerning the investigation or the imposition of  
3 disciplinary action. Information may not be disclosed by the peace  
4 or custodial officer's employer unless the false statement was  
5 published by an established medium of communication, such as  
6 television, radio, or a newspaper. Disclosure of factual information  
7 by the employing agency pursuant to this subdivision is limited  
8 to facts contained in the officer's personnel file concerning the  
9 disciplinary investigation or imposition of disciplinary action that  
10 specifically refute the false statements made public by the peace  
11 or custodial officer or their agent or representative.

12 (f) (1) The department or agency shall provide written  
13 notification to the complaining party of the disposition of the  
14 complaint within 30 days of the disposition.

15 (2) The notification described in this subdivision is not  
16 conclusive or binding or admissible as evidence in any separate  
17 or subsequent action or proceeding brought before an arbitrator,  
18 court, or judge of this state or the United States.

19 (g) This section does not affect the discovery or disclosure of  
20 information contained in a peace or custodial officer's personnel  
21 file pursuant to Section 1043 of the Evidence Code.

22 (h) This section does not supersede or affect the criminal  
23 discovery process outlined in Chapter 10 (commencing with  
24 Section 1054) of Title 6 of Part 2, or the admissibility of personnel  
25 records pursuant to subdivision (a), which codifies the court  
26 decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

27 (i) Nothing in this chapter is intended to limit the public's right  
28 of access as provided for in *Long Beach Police Officers*  
29 *Association v. City of Long Beach* (2014) 59 Cal.4th 59.

30 SEC. 4. Section 832.12 of the Penal Code is amended to read:

31 832.12. (a) Each department or agency in this state that  
32 employs peace officers shall make a record of any investigations  
33 of misconduct involving a peace officer in the officer's general  
34 personnel file or a separate file designated by the department or  
35 agency. A peace officer seeking employment with a department  
36 or agency in this state that employs peace officers shall give written  
37 permission for the hiring department or agency to view the officer's  
38 general personnel file and any separate file designated by a  
39 department or agency.

1 (b) Prior to employing any peace officer, each department or  
2 agency in this state that employs peace officers shall request, and  
3 the hiring department or agency shall review, any records made  
4 available pursuant to subdivision (a).

5 SEC. 5. Section 832.13 is added to the Penal Code, to read:

6 832.13. Every person employed as a peace officer shall  
7 immediately report all uses of force by the officer to the officer's  
8 department or agency.

9 SEC. 6. The Legislature finds and declares that Sections 2 and  
10 3 of this act, which amend Sections 832.5 and 832.7 of the Penal  
11 Code, further, within the meaning of paragraph (7) of subdivision  
12 (b) of Section 3 of Article I of the California Constitution, the  
13 purposes of that constitutional section as it relates to the right of  
14 public access to the meetings of local public bodies or the writings  
15 of local public officials and local agencies. Pursuant to paragraph  
16 (7) of subdivision (b) of Section 3 of Article I of the California  
17 Constitution, the Legislature makes the following findings:

18 This act furthers public access and provides greater transparency  
19 with respect to certain law enforcement records.

20 SEC. 7. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district under this act would result from a legislative mandate that  
24 is within the scope of paragraph (7) of subdivision (b) of Section  
25 3 of Article I of the California Constitution.

26 However, if the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.