



AB 2557 (Bonta): Ensuring Transparency in Police Oversight Act

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SUMMARY

AB 2557 abrogates the California Supreme Court decision in *Copley Press v. Superior Court* (2006), and amends California Penal Code §832.7 to specify records and information obtained from civilian law enforcement oversight agencies are not confidential and are subject to the disclosure requirements of the California Public Records Act.

BACKGROUND

In *Copley Press v. Superior Court* (2006) 39 Cal. 4th 1272, Copley Press Inc., which publishes the *San Diego Tribune* newspaper, sought access to a closed door San Diego County Civil Service Commission (Commission) disciplinary hearing, where a San Diego County deputy sheriff was appealing his termination from the force. Copley Press requested access to the hearing, but the Commission denied the request. After the appeal's completion, Copley Press filed several California Public Records Act [CPRA] requests with the Commission asking for disclosure of any documents filed with, submitted to, or created by the Commission concerning the appeal and any tape recordings of the hearing, but the Commission withheld most of its records. Copley Press then filed an action in court, to obtain these requested records.

Ultimately, *Copley Press v. Superior Court* (2006) held that existing law exempts peace officer records from disclosure under the CPRA. This exemption from disclosure applies even when civilian oversight agencies possess these police officer's records. Prior to this pivotal decision, civilian oversight agencies conducted their investigations of police officer misconduct in an open manner. For example, the Oakland's Citizens' Police Review Board (CPRB), the precursor to the Oakland Police Commission, conducted public hearings and released investigative reports of complaints against police officers.

CURRENT LAW

Existing law provides that government records shall be disclosed to the public, upon request, unless there is a specific reason not to do so. Certain records, including police officer personnel records, are protected from

disclosure. In *Copley Press*, the California Supreme Court determined police officer record disclosure is a policy decision left up to the legislature. Consequently, Senator Skinner authored SB 1421 (Chapter 988, Statutes of 2018) and SB 16 (Chapter 402, Statutes of 2021) which expanded the categories of personnel records of peace officers and custodial officers which are subject to disclosure under the CPRA. These categories include, for example, when an officer discharges a firearm, and sustained findings of certain conduct such as unreasonable or excessive force by police officers.

PROBLEM

After the *Copley Press* decision, civilian law enforcement oversight agencies have had to conduct their hearings largely in private. This lack of transparency creates distrust in the process. The public needs to have access to the investigative records which led to the decision of whether an officer engaged in misconduct. The inability to disclose these records limits the ability for civilian law enforcement oversight agencies to gain public trust.

SOLUTION

AB 2557 would repeal the decision in *Copley Press* and allow civilian law enforcement oversight agencies to operate openly and transparently. Specifically, AB 2557 makes records and information obtained from records of civilian oversight agencies subject to the disclosure requirements of the Public Records Act and no longer considers these records confidential.

SUPPORT

- Coalition for Police Accountability (Co-Sponsor)
- San Francisco District Attorney's Office (Co-Sponsor)
- Block by Block Organizing Network
- Brotherhood of Elders Network
- Latino Taskforce
- Secure Justice
- Wellstone Democratic Renewal Club

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