

COMMISSION ON POLICE PRACTICES

Wednesday, May 7, 2025

5:00pm-8:00pm

REGULAR BUSINESS MEETING

AGENDA

Saint Paul's Cathedral

2728 Sixth Ave,

San Diego, CA 92103

PURPOSE OF THE COMMISSION ON POLICE PRACTICES

The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

The link to join the meeting by computer, tablet, or smartphone at 5:00pm is:

<https://sandiego.zoomgov.com/j/1610950576>

Meeting ID: 161 095 0576

In-Person Public Comment on an Agenda Item: If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker slip before the Commission hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the Executive Director at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the

meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the Executive Director. The Chair may also limit organized group presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only make one Non-Agenda Public Comment per meeting. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only make one Non-Agenda Public Comment per meeting. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial *6 on your phone. The virtual queue will close when the last virtual speaker finishes speaking or 5 minutes after in-person testimony ends, whichever happens first.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

If you attach any documents to your comment, they will be distributed to the Commission or Committee in accordance with the deadlines described above.

Late-Arriving Materials

This paragraph relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of, or during, the meeting. Pursuant to the Brown Act, (California Government Code Section 54957.5(b)) late-arriving documents, related to the Commission on Police Practices' ("CPP") meeting agenda items, which are distributed to the legislative body prior to and/or during the CPP meeting are available for public review by appointment in the Office of the CPP located at Procopio Towers, 525 B Street, Suite 1725, San Diego, CA 92101. Appointments for public review may be made by calling (619) 533-5304 and coordinating with CPP staff before visiting the office. Late-arriving documents may also be obtained by email request to CPP staff at commissiononpolicepractices@sandiego.gov. Late-arriving materials received prior to the CPP meeting will also be available for review, at the CPP public meeting, by making a verbal request of CPP staff located in the CPP meeting. Late-arriving materials received during the CPP meeting will be available for review the following workday at the CPP offices noted above or by email request to CPP staff.

- I. CALL TO ORDER/PUBLIC COMMENT INSTRUCTIONS (Chair Doug Case)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. APPROVAL OF MINUTES – Action Item
 1. Regular Business Meeting – April 2, 2025
 2. Regular Business Meeting – April 16, 2025
- IV. NON-AGENDA PUBLIC COMMENT (Policy Manager Aaron Burgess)
- V. CHAIR REPORT (Chair Doug Case) – Informational Item
 - A. Committee Appointments
 - B. Commissioner Appointments/Reappointments
 - C. SDPD “MY90” Community Feedback Program
 - D. Other Announcements
- VI. INTERIM EXECUTIVE DIRECTOR REPORT (Bart Miesfeld) – Informational Items

VII. EXECUTIVE COMMITTEE REPORT (Chair Doug Case) Informational Item

- A. Follow-up on Jerry Threet's Audit Report Findings
- B. Semi-annual Reports and Redacted Case Reports

VIII. NEW BUSINESS

- A. Proposal for Making SDPD Commendations (Action Item) – Former Commissioner Danny Mendoza
- B. Election of the Nominating Committee for 2025-26 Officers – (Action Item)
- C. Request to Support AB 847 – (Action Item) Chair Case

IX. STANDING COMMITTEE REPORTS – Informational Item

- A. Rules Committee (Commissioner Bonnie Benitez)
- B. Community Outreach Committee (Commissioner Alec Beyer)
- C. Policy Committee (Commissioner Robinson)
- D. Recruitment Committee (Commissioner Flores)
- E. Training and Continuing Education Committee (Commissioner Darlanne Mulmat)

X. AD HOC COMMITTEE REPORTS – Informational Item

- A. Operating Procedures Committee (Chair Doug Case)
- B. Personnel Committee (Commissioner Darlanne Mulmat)

XI. NON-AGENDA PUBLIC COMMENT (Policy Manager Aaron Burgess)

XII. COMMISSIONER COMMENTS

XIII. ADJOURNMENT

Materials Provided:

- April 2, 2025 Meeting Minutes
- April 16, 2025 Meeting Minutes
- AB 847 Background Materials
- Commendations Proposal

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 533-5304 or commissiononpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

**COMMISSION ON POLICE PRACTICES
REGULAR BUSINESS MEETING
Wednesday, April 2, 2025**

**Southeastern Live Well San Diego
5101 Market St.
San Diego, CA 92114**

Click <https://youtu.be/kBbjJQRrSzE> to view this meeting on YouTube.

CPP Commissioners Present:

Chair Doug Case
1st Vice Chair Ada Rodriguez
John Armantrout
Bonnie Benitez
Alec Beyer
Cheryl Canson (arrived at 4:39pm)

Steve Chatzky
Lupe Diaz
Armando Flores (arrived at 5:00pm)
Dwayne Harvey
Dan Lawton (arrived at 4:46pm)
Darlanne Mulmat
Imani Robinson (arrived at 5:03pm)

Excused:

2nd Vice Chair Clovis Honoré

Absent:

Christopher Kennison

CPP Staff Present:

Bart Miesfeld, General Counsel
Aaron Burgess, Policy Manager
Yasmeen Obeid, Community Engagement Coordinator
Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Doug Case called the meeting to order at 4:32 pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.
- III. APPROVAL OF MEETING MINUTES
 - A. CPP Regular Meeting Minutes of March 5, 2025
 1. **Motion:** Commissioner John Armantrout moved for approval of the CPP Regular Meeting Minutes of March 5, 2025. Commissioner Lupe Diaz seconded the motion. The motion passed with a vote of 8-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Chatzky, Diaz, Harvey, and Mulmat
Nays: None
Abstained: Chair Case
 - B. CPP Regular Meeting Minutes of March 19, 2025
 1. **Motion:** Commissioner John Armantrout moved for approval of the CPP Regular Meeting Minutes of March 19, 2025. Commissioner Lupe Diaz seconded the motion. The motion passed with a vote of 8-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Chatzky, Diaz, Harvey, and Mulmat
Nays: None
Abstained: Chair Case
- IV. NON-AGENDA PUBLIC COMMENT - None
- V. CHAIR REPORT (*Timestamp 6:11*)
 - Commissioner Gonzalo Rocha-Vazquez has resigned his position with the CPP.
 - The Commission currently has 10 seats that will be filled. However, Commissioner Rocha-Vazquez seat will not be included in the upcoming list of vacancies to fill.
 - Applications and nominations deadline is April 15th.
 - Council Presidents Office will be moving ahead with the process of hiring the interim Executive Director. The city plans to have this on the "Council's docket" for April 16th. They will also move ahead with the selection process for the permanent Executive Director position.
 - Reminder to submit Form 700 on time as there will be late fees per day that the volunteer is late.
 - The CPP cabinet had a meeting with the SDPDP Chief Wahl to discuss shooting review board reports, materials requested by CPP for case review, reminded the Chief to submit response to memos submitted from CPP.
- VI. STAFF REPORT - None
- VII. EXECUTIVE COMMITTEE REPORT (*Timestamp 11:30*)
 - A. Establishment of Policy and Recruitment Standing Committees – The Executive Committee decided to establish a Policy and Recruitment Standing Committees. Commissioner Imani Robinson will Chair the Policy Committee. No Committee Chair has been selected yet for the Recruitment Committee.
- VIII. NEW BUSINESS

- A. Bylaws Amendments – Executive Director and Commission Chair Duties
(*Timestamp 15:43*)
Motion: Commissioner Darlanne Mulmat moved to accept the Bylaws Amendments (Commission Executive Director and Chair Duties). Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 12-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: None
Abstained: Chair Case
- B. Commissioner and Commission Staff Roles and Responsibilities
(*Timestamp 30:10*)
Motion: 1st Vice Chair Ada Rodriguez moved to approve the Commissioner and Commission Staff Roles and Responsibilities. Commissioner Imani Robinson seconded the motion. The motion passed with a vote of 12-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: None
Abstained: Chair Case
- C. Executive Director Performance Review Process (*Timestamp 36:46*)
Motion: Commissioner Bonnie Benitez moved to approve the Executive Director performance review process. Commissioner Dan Lawton seconded the motion. The motion passed with a vote of 12-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: None
Abstained: Chair Case
- D. CPP Statement on SDPD's Position Regarding Vehicle Pursuit Reform
(*Timestamp 47:15*)
Motion: Commissioner Steve Chatzky moved to approve the CPP statement on SDPD's position regarding vehicle pursuit reform. Commissioner Darlanne Mulmat seconded the motion. The motion passed with a vote of 12-0-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: None
Abstained: Chair Case
- E. **Draft CPP Operating Procedures** (*Timestamp 15:43*)
Motion #1: Commissioner Darlanne Mulmat moved to approve the proposed CPP Draft Operating Procedures. Commissioner Dan Lawton seconded the motion. The motion passed with a vote of 11-1-0.
Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: Beyer
Abstained: Chair Case
Motion #2: Commissioner Armando Flores moved to approve the **amended** CPP Draft Operating Procedures. Commissioner Lupe Diaz seconded the motion. The motion passed with a vote of 7-6-0.

Yeas: Chair Case, Armantrout, Diaz, Flores, Harvey, Lawton, and Mulmat
Nays: 1st Vice Chair Rodriguez, Benitez, Beyer, Canson, Chatzky, and Robinson
Abstained: None

F. Meeting Times and Locations (Timestamp 1:22:15)

Motion #1: Commissioner Darlanne Mulmat moved for the CPP Regular Business Meeting time to start at 5:00pm and host Community Hearings on Saturdays. Commissioner Imani Robinson seconded the motion. The motion passed with a vote of 12-0-0.

Yeas: 1st Vice Chair Rodriguez, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
Nays: None

Abstained: Chair Case

Motion #2: Commissioner Armando Flores moved for the Outreach Committee to review meeting locations and have the full Commission vote on locations at another meeting. Commissioner Imani Robinson seconded the motion. The motion passed with a vote of 8-4-0.

Yeas: 1st Vice Chair Rodriguez, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, and Robinson

Nays: Armantrout, Benitez, Lawton, and Mulmat

Abstained: Chair Case

IX. STANDING COMMITTEE REPORTS

- A. Rules Committee – Committee Chair Bonnie Benitez reported that the Bylaws are continuing to be reviewed. The next committee meeting will be on April 23rd at 4:30pm.
- B. Community Outreach Committee – Committee Chair Alec Beyer reported that the next committee meeting will be on April 10th. The Committee will review a proposed budget created by Commissioner flores. The committee is working on a master calendar, website review, and discuss location concerns.
- C. Training and Continuing Education Committee – No current updates due to committee pause. The committee Chair Darlanne Mulmat reached out to PD to request more info on CPP participation in SDPD trainings.

X. AD HOC COMMITTEE REPORTS

- A. Operating Procedures Committee – CPP Chair Doug Case reported that he will be sending the approved Operating Procedures to the Council President's office.
- B. Police Pursuits Committee – The Committee has approved the statement and will be working on a public statement worked on by Commissioner Armando Flores. The work of the Pursuits committee will eventually be moved over to the Policy Standing Committee.
- C. Pretext Stops Committee – No current updates.
- D. Personnel Committee – The Committee is currently lining everything up for the process to avoid delays. The committee has put together a summary of the 2024 hiring process (including community panel for interviews and plans for ad hoc committee for city council). The committee has reviewed the job announcement with an additional competency for developing effective relationships with a board or commission.

XI. NON-AGENDA PUBLIC COMMENT – None

XII. COMMISSIONER COMMENTS

- 1st Vice Chair Ada Rodriguez (*Timestamp 2:14:51*) – Spoke on World Autistic Awareness Day and the blue envelope program.
- Commissioner Armando Flores (*Timestamp 2:16:51*) – Informed the CPP that he has been working on mockups of social media posts and flyers. He will be working with Community Engagement Coordinator Yasmeen Obeid on potential ideas.

XIII. ADJOURNMENT: The meeting adjourned at 6:51 pm.

**COMMISSION ON POLICE PRACTICES
REGULAR BUSINESS MEETING
Wednesday, April 16, 2025**

**Southeastern Live Well San Diego
5101 Market St.
San Diego, CA 92114**

Click <https://youtu.be/Aj5UI9TKEFY> to view this meeting on YouTube.

CPP Commissioners Present:

Chair Doug Case
1st Vice Chair Ada Rodriguez
2nd Vice Chair Clovis Honoré
John Armantrout
Alec Beyer
Bonnie Benitez

Cheryl Canson (arrived at 5:30pm)
Lupe Diaz (arrived at 5:19pm)
Armando Flores
Dwayne Harvey
Darlanne Mulmat
Imani Robinson

Excused:

Stephen Chatzky
Dan Lawton

Absent:

None

CPP Staff Present:

Bart Miesfeld, Interim Executive Director/General
Counsel
Ching-Yun Li, Investigator
Ethan Waterman, Investigator
Aaron Burgess, Policy Manager
Alina Conde, Executive Assistant
Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Doug Case called the meeting to order at 5:06 pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.
- III. NON-AGENDA PUBLIC COMMENT
Virtual Public Comment: “Keem” (*Timestamp 22:35*) – Shares with the Commission his experiences with SDPD.
- IV. CHAIR REPORT
 - City Council has appointed Bart Miesfeld as the Interim Executive Director for the Commission on Police Practices as of April 15th.
 - Commissioner Darlanne Mulmat has begun the process with the City to plan forward for the hiring of permanent Executive Director position.
 - Nominations and applicant deadline for open Commission vacancies was last April 11th. Chair Doug Case will find out how many people have applied for the positions.
 - Commissioner Christopher Kennison submitted his resignation on April 15th.
- V. STAFF REPORT – None
- VI. PROPOSED CHANGES TO THE CPP OPERATING PROCEDURES
Motion: Commissioner Alec Beyer moves to approve the proposed changes to the Commission on Police Practices Operating Procedures. The vote passed 8-1-2.
Yeas: 1st Vice Chair Rodriguez, 2nd Vice Chair Honoré, Armantrout, Benitez, Diaz, Flores, Harvey, Mulmat
Nays: Beyer
Abstentions: Canson, Robinson
- VII. COMMISSIONER COMMENTS
 - **Clovis Honoré** (*Timestamp 21:50*) – Speaks on the photos that are currently on the website and requests to update them.
- VIII. CLOSED SESSION (NOT OPEN TO THE PUBLIC)
 - A. Public Comment
 - B. Interim Executive Director/General Counsel led CPP into Closed Session
 - C. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) if California Government Code Section 54956.9: (one case)
 - D. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be posted on the Commission’s website at www.sandiego.gov/cpp or stated at the beginning of the Open Session meeting if the meeting is held on the same day.
 1. SDPD Feedback on Case-Specific Matters
 - a. Case 2024-0264 (CAT I)

2. Review of Internal Affairs Investigations
 - a. Case 2024-0344 (CAT I)
 - b. Case 2024-0398 (CAT I)
 - c. Case 2024-0207 (CAT I)
 - d. Case 2024-0314 (CAT I)
 - e. Case 2024-0314 (CAT II)
 - f. Case 2024-0352 (CAT I)
3. Review of SDPD Discipline
 - a. Case 2024-0165 (CAT I)

II. REPORT OUT FROM CLOSED SESSION (7:52 pm): General Counsel Bart Miesfeld reported that there was no reportable action.

IX. ADJOURNMENT: The meeting adjourned at 7:52 pm.


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AB-847 Peace officers: confidentiality of records. (2025-2026)

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Date Published: 04/21/2025 02:00 PM

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 847

Introduced by Assembly Member Sharp-Collins

February 19, 2025

An act to [amend Section 25303.7 of the Government Code, and to](#) amend Section 832.7 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 847, as amended, Sharp-Collins. Peace officers: confidentiality of records.

Existing law, the California Public Records Act, authorizes the inspection and copying of any public record except where specifically prohibited by law. Existing law, with specified exemptions, makes confidential the personnel records of peace officers and custodial records and certain other records maintained by their employing agencies. Existing law provides that this exemption from disclosure does not apply to investigations of these officers or their employing agencies and relating proceedings conducted by a grand jury, a district attorney's office, or the Attorney General's office.

This bill would additionally grant access to the confidential personnel records of peace officers and custodial officers and records maintained by their employing agencies, as specified, to civilian law enforcement oversight boards or commissions during investigations or proceedings concerning the conduct of those officers. *The bill would require those oversight boards to maintain the confidentiality of those records, and would authorize them to conduct closed sessions, as specified, to review confidential records. The bill would additionally authorize a county inspector general to access those personnel records, as specified.*

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 25303.7 of the Government Code is amended to read:*

25303.7. (a) (1) 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 its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.

(3) Notwithstanding Sections 1043 and 1046 of the Evidence Code, the members of the oversight board shall have access to the personnel records of peace officers and custodial officers relating to the report, investigation, or findings of citizen complaints maintained by the sheriff pursuant to Section 832.5 of the Penal Code. The oversight board shall maintain the confidentiality of these records consistent with Section 832.7 of the Penal Code.

(b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:

(A) Any person as a witness upon any subject matter within the jurisdiction of the board.

(B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.

(C) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

(2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.

(3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.

(B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.

(C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge themselves of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.

(4) A sheriff oversight board may conduct closed sessions, consistent with Section 54957 of the Government Code, to review confidential records obtained under this section or otherwise related to its oversight duties, if those sessions comply with applicable confidentiality laws, including, but not limited to, Section 832.7 of the Penal Code.

(c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).

(3) Notwithstanding Sections 1043 and 1046 of the Evidence Code, the inspector general shall have access to the personnel records of peace officers and custodial officers relating to the report, investigation, or findings of citizen complaints maintained by the sheriff pursuant to Section 832.5 of the Penal Code. The inspector general shall maintain the confidentiality of these records consistent with Section 832.7 of the Penal Code.

(d) The exercise of powers under this section or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.

SECTION 4. SEC. 2. Section 832.7 of the Penal Code is amended to read:

832.7. (a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by a state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery

pursuant to Sections 1043 and 1046 of the Evidence Code. This section 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 the Commission on Peace Officer Standards and Training, or a civilian oversight board or commission for a law enforcement agency established pursuant to subdivision (a) of Section 25303.7 of the Government Code or other duly enacted municipal or county ordinance.

(b) (1) Notwithstanding subdivision (a), Section 7923.600 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by a state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code):

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

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

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

(iii) A sustained finding involving a complaint that alleges unreasonable or excessive force.

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

(B) (i) Any record 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 sexual assault involving a member of the public.

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

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

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

(D) Any record 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 including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

(E) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.

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

(3) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting

modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Records that shall be released pursuant to this subdivision also include records relating to an incident specified in paragraph (1) in which the peace officer or custodial officer resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) In an action to compel disclosure brought pursuant to Section 7923.000 of the Government Code, an agency may justify delay by filing an application to seal the basis for withholding, in accordance with Rule 2.550 of the California Rules of Court, or any successor rule, if disclosure of the written basis itself would impact a privilege or compromise a pending investigation.

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

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

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

(10) The cost of copies of records subject to disclosure pursuant to this subdivision that are made available upon the payment of fees covering direct costs of duplication pursuant to subdivision (a) of Section 7922.530 of the Government Code shall not include the costs of searching for, editing, or redacting the records.

(11) Except to the extent temporary withholding for a longer period is permitted pursuant to paragraph (8), records subject to disclosure under this subdivision shall be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure.

(12) (A) For purposes of releasing records pursuant to this subdivision, the lawyer-client privilege does not prohibit the disclosure of either of the following:

(i) Factual information provided by the public entity to its attorney or factual information discovered in any investigation conducted by, or on behalf of, the public entity's attorney.

(ii) Billing records related to the work done by the attorney so long as the records do not relate to active and ongoing litigation and do not disclose information for the purpose of legal consultation between the public entity and its attorney.

(B) This paragraph does not prohibit the public entity from asserting that a record or information within the record is exempted or prohibited from disclosure pursuant to any other federal or state law.

(13) Notwithstanding subdivision (a) or any other law, an agency that formerly employed a peace officer or custodial officer may, without receiving a request for disclosure, disclose to the public the termination for cause of that officer by that agency for any disclosable incident, including those described in subparagraphs (A) to (E), inclusive, of paragraph (1). Any such disclosure shall be at the discretion of the agency and shall not include any information otherwise prohibited from disclosure. This paragraph is declaratory of existing law.

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

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

(e) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement they know to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or their agent or representative.

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

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

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

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

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

California Law Enforcement Oversight Commissions and Boards Circular Letter

January 23, 2025

Hon. Jesse Arreguín
Chair
Senate Public Safety Committee
Capitol Office
1021 O St.
Suite #6710
Sacramento, CA 95814

Hon. Nick Schultz
Chair
Assembly Public Safety Committee
Capitol Office
1021 O Street
Suite 5740
Sacramento, CA 95814

Re: Proposed Amendment to Penal Code § 832.7 to Allow Access by Law Enforcement Oversight Commissions to Information Essential to Effective Oversight

Dear Chairs Arreguín and Schultz:

As Commissioners and Executive Directors of Law Enforcement Oversight commissions and boards in California, we have been hobbled by the absence of an express provision in Penal Code § 832.7 that permits oversight bodies access to confidential documents from the overseen law enforcement agency on the same level as grand juries, prosecuting authorities, and the Commission of Peace Officer Standards and Training. The attached amendment rectifies this.

The proposed Amendment would permit California law enforcement oversight commissions to access to the personnel records of peace officers deemed confidential under California Penal Code (PC) 832.7 by amending PC 832.7 to read that its section prohibiting such “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, the Commission on Peace Officer Standards and Training, or a civilian oversight board or commission for a California law enforcement organization established under Government Code Section 25303.7(a) or other duly enacted municipal or county ordinance.” (Emphasis on the proposed amended language.)

Nothing in the amendment eliminates the confidentiality of these records. Law enforcement oversight commissions and boards would need to maintain their confidentiality. But they would be allowed to access and review such records in the same way that the California Supreme Court allowed county civil service commissions to receive and review confidential records relating to peace officers in *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272. See also *Berkeley Police Association v. City of Berkeley*, 167 Cal.App.4th 385 (2008) (Police oversight commission can review police personnel files and disciplinary records in closed sessions.)

Background

Years after the enactment of California Penal Code § 832.7, the State legislature has granted counties across the state the authority to establish civilian oversight commissions to oversee

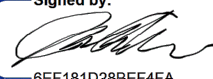
California Law Enforcement Oversight Commissions and Boards Circular Letter


sheriff's departments and authorized these commissions to issue subpoenas when deemed necessary to investigate a matter within their jurisdiction. Government Code § 25303.7 (A.B. 1185). In addition, many municipalities in California have created commissions to oversee police departments; many with subpoena power. While these powers are important, civilian oversight bodies emerging around the state are not able to perform meaningful oversight of law enforcement without access to otherwise protected, confidential information.

Many law enforcement oversight commissions have been created in California and nationally in the wake of the George Floyd murder. These commissions have been created in order to provide increased transparency into the policies and practices of the police and sheriff departments and to assure that the law enforcement leaders and officers are held accountable for misconduct. For example, with access to confidential personnel records, our commissions will be able to determine whether Department personnel are timely and appropriately investigated and, where warranted, disciplined when they violate use of force policies. Oversight Commissions will also be able to assess whether the overseen law enforcement agency is appropriately implementing policies, including, e.g., a policy prohibiting law enforcement gangs as required by state law. *See* Penal Code §13760.

The proposed change in existing state law is needed to allow law enforcement oversight commissions in California to effectively perform their oversight responsibilities in a manner that the public has come to expect.

The signatories on this letter urge you and the California legislature to enact the proposed amendment. If you have any questions or desire further information, please contact Robert C. Bonner at rbonner@judgebonner.com. Thank you.

Signed by:

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John Alden
Board Member, NACOLE


Robert C. Bonner
Chair
Civilian Oversight Commission
for the Los Angeles County Sheriff's
Department

Attachment – Proposed Amendment to Penal Code § 832.7

cc: Hon. Tom Umberg, Chair, Senate Judiciary Committee (w/attachment)
Hon. Ash Kalra, Chair, Assembly Judiciary Committee (w/attachment)

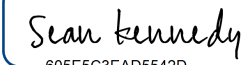
California Law Enforcement Oversight Commissions and Boards

Circular Letter


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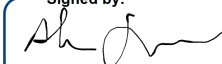
John C. "Chip" Moore
Chair
Police Accountability Board
Berkeley, California

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Sean Kennedy
Commissioner
Civilian Oversight Commission
for Los Angeles County Sheriff Department

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Luis Garcia
Vice Chair
Civilian Oversight Commission
for Los Angeles County Sheriff's Department

Signed by:

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Hans Johnson
Vice Chair
Civilian Oversight Commission
for Los Angeles County Sheriff's Department

Proposed Amendment to Penal Code section 832.7

Section 832.7 - Peace officer or custodial officer personnel records

(a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by a state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section 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~~ the Commission on Peace Officer Standards and Training, [or a civilian oversight board or commission for a California law enforcement organization established under Government Code Section 25303.7\(a\) or other duly enacted municipal or county ordinance.](#)

Commission on Police Practices - SDPD Commendation Proposal

Proposal: To establish an internal policy, procedure, or bylaw that the Commission on Police Practices can adopt that would permit the Commission to commend a San Diego Police Department Officer who displays exceptional good conduct while on duty.

Background

The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.

The Commission on Police Practices is effectively the independent oversight body created by San Diego voters to oversee the San Diego Police Department for the purpose of increasing public safety. This proposal originates from the desire of the Commission to establish itself as a truly unbiased and impartial oversight body (as is its duty by law) by developing a process where the Commission can decide to commend a police officer while in the line of duty for displaying exceptional good conduct. Currently, the Commission has policies and procedures in place to review public complaints against SDPD and refer the findings to the Chief of Police for potential disciplinary action. Yet, in the event where a police officer may display exemplary good conduct, the Commission lacks policies and procedures to recognize an officer for their good behavior.

This proposal aims to develop uniformity in policies and procedures that permit the Commission to both discipline police misconduct and commend exceptionally good conduct. This proposal merely creates a commendation process; the exact instances in which the commendation is awarded would still require a majority vote by the Commission for each individual case. In essence, it would still be up to the Commission to decide when a police officer's actions merit commendation on a case-by-case basis. The Commission must ask themselves, should the Commission have a process to commend police officers when they display exceptionally good conduct? If so, what should the commendation process look like? And what standards should be adopted that will define when certain actions of exceptional good conduct are worthy of recognition?

Potential Procedural Options

This proposal has identified 3 possible procedural methods the Commission could pursue to grant commendation letters where exceptional good conduct is displayed. These are not complete findings but are possible options the Commission could explore. The Commission could also choose to explore, develop, and ultimately adopt all or some of these procedural options.

1. During Case Review (Closed Session) - the Commission could choose to report findings after closed session while maintaining confidentiality.
2. During the Public Open Session - such as in the event where a specific action has garnered public attention and a Commissioner has added the item to the agenda (with the Chair's approval). The Commission should have independently investigated the merits of the case to confirm the completeness of facts.
3. During the Public Open Session - where a member of the public has contacted the Commission and recommended a commendation. The Commission should have independently investigated the merits of the case to confirm the completeness of facts.

Defining "Exceptional Good Conduct"

Inevitably Commissioner subjectivity will factor into their opinion during the review process of a case for merits of a commendation. For this reason, the Commission should seek to create a definition and a list of factors that could constitute "exceptional good conduct". By developing a definition and including into the bylaw a list of potential factors, the Commission can strive to apply uniformity of rigor across all determinations of commendation letters. The proposed early draft for the definition and factors include:

- Exceptional Good Conduct: When a police officer exhibits good conduct beyond that which is reasonably expected from an average police encounter when factoring in the totality of circumstances
- Factors could include but are not limited to, when a police officer:
 - Prevents or stops a fellow officer from violating a police procedure or policy
 - Displays courtesy amidst extreme discourtesy from a member of the public or detainee
 - Implements de-escalation techniques during challenging situations
 - Displays restraint in use of force amidst dangerous or stressful situations
 - Terminates a police pursuit when the hazards of the pursuit outweigh the benefits of the apprehension
 - Displays exceptional bravery amidst a dangerous or stressful situation