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Superior Court of California
County of Fresno
By: Estela Gonzalez, Deputy

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF FRESNO
14

15 BRIAN HOWEY,
16
17 Petitioner/Plaintiff,
18 v.
19 CITY OF FRESNO and PACO
BALDERRAMA, IN HIS OFFICIAL
20 CAPACITY AS CITY OF FRESNO CHIEF
OF POLICE,
21 Respondents/Defendants.

Case No. 23CECG01468

*[Assigned for All Purposes to:
Hon. Stephanie Negin, Dept. 404]*

**DECLARATION OF DAVID LOY IN
SUPPORT OF MOTION FOR
JUDGMENT**

*[Notice of Motion and Motion, Memorandum
and Howey Declaration filed concurrently
herewith]*

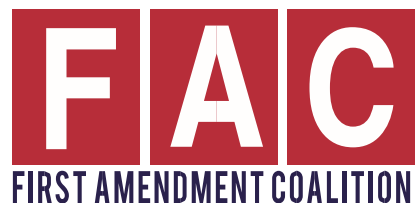
Date: August 2, 2023
Time: 1:30 p.m.
Dept: 404
Judge: Stephanie Negin

Petition Filed: April 18, 2023

22 I, DAVID LOY, declare as follows:

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24
25
26 1. I am a member in good standing of the State Bar of California, the Legal Director
27 of the First Amendment Coalition, and one of the counsel of record for Petitioner in this action. I
28

Exhibit J



David Loy, Legal Director
dloy@firstamendmentcoalition.org
Direct: 619.701.3993

July 19, 2022

VIA ELECTRONIC MAIL

Travis Stokes
Assistant City Attorney
City of Fresno
2600 Fresno St.
Fresno, CA 93721-3602

Email: travis.stokes@fresno.gov

Re: Public Records Request P019033-060622

Dear Mr. Stokes:

The First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs. I am writing on behalf of FAC to address the City of Fresno’s response to the above-referenced public records request by journalist Brian Howey.

On June 6, 2022, Mr. Howey requested copies of the following records pursuant to S.B. 1421:

1. Recordings and transcripts of all interviews of Lavette Sanders by investigators for the Fresno Police Department and any other public agency conducted on August 20-21, 2004, related to the August 20 investigation of the in-custody death of Michael Sanders.
2. The recordings and transcripts of all other interviews of the family and friends of Michael Sanders by detectives or investigators conducted on August 20-21, 2004, related to the investigation of the aforementioned incident.
3. Police reports and CAD files related to the aforementioned incident.

I understand the City responded by producing an “event report” but refusing to disclose any additional records on the grounds that there was no “incident involving the use of force against a person by a peace officer that resulted in death or great bodily injury” and thus the records fall within the “investigatory records exemption” and also that “the records contain information protected by a constitutional right to privacy.”

The California Constitution and California Public Records Act (“CPRA”) require state and local agencies to make any public record available for inspection or copying on request unless the record falls within a specific exemption. Cal. Const., Art. I, § 3(b)(1); Govt. Code § 6253. This letter explains why the exemptions asserted by the City are mistaken and the City must immediately disclose the requested records.

1. Officers caused great bodily injury to Mr. Sanders by using Tasers on him and inflicting multiple puncture wounds and charring.

The requested records relate to an incident in which Mr. Sanders died after an encounter with Fresno police officers. The facts were described in litigation initiated by Lavette Sanders, Mr. Sanders' widow. *Sanders v. City of Fresno*, 551 F. Supp. 2d 1149 (E.D. Cal 2008).

After Fresno police responded to a 911 call from Mr. Sanders, officers used Tasers on him multiple times, including "several drive-stuns to Michael's groin area." *Id.* at 1160. During the incident, Mr. Sanders was "shot five times ... with Taser darts, drive stunned 5 times ... and had a maximum of fourteen 5-second cycles applied to him." *Id.*

According to an autopsy report filed with the court, which is attached for your convenience, Mr. Sanders suffered "[m]ultiple taser probe puncture wounds," including three to the chest; four "on the front of the right groin, with one that "show[ed] surrounding carbonization" or charring of his flesh; two on the left thigh "with the probes still in place; and two "in the left flank area with the probes still in place."

The use of multiple Tasers on Mr. Sanders represents an "incident involving the use of force against a person by a peace officer ... that resulted in ... great bodily injury," requiring disclosure of records related to that incident such as the "investigative reports" and "transcripts or recordings of interviews" requested by Mr. Howey.¹ Penal Code § 832.7(b)(1)(a)(ii), (b)(3).

The use of a taser causes "excruciating pain that radiates throughout the body." *Bryan v. MacPherson*, 630 F.3d 805, 824 (9th Cir. 2010). The pain inflicted on Mr. Sanders by multiple Taser strikes, combined with multiple puncture wounds, including one that charred the flesh of his groin, unquestionably amounted to great bodily injury.

Although the Legislature did not define "great bodily injury" in Penal Code § 832.7, it necessarily intended to adopt previous judicial constructions of the same term. *Hughes v. Pair*, 46 Cal. 4th 1035, 1046 (2009); *Brooks v. Mercy Hospital*, 1 Cal. App. 5th 1, 7 (2016).

As construed by courts, "great bodily injury" includes pain, wounds, and bruising similar to those suffered by Mr. Sanders. *People v. Washington*, 210 Cal. App. 4th 1042, 1047–48 (2012) ("some physical pain or damage, such as lacerations, bruises, or abrasions" constitutes great bodily injury); *People v. Jung*, 71 Cal. App. 4th 1036, 1042 (1999) ("Abrasions, lacerations, and bruising can constitute great bodily injury."); *People v. Bustos*, 23 Cal. App. 4th 1747, 1755 (1994) (holding "multiple abrasions, lacerations, and contusions" were great bodily injury).

In addition, Penal Code § 832.7 "shall be broadly construed if it furthers the people's right of access." Cal. Const. Art. I, § 3(b)(2). Therefore, the term "great bodily injury" must be broadly construed, especially in light of the Legislature's findings that "[t]he public has a strong, compelling interest in law enforcement transparency because it is essential to having a just and

¹ These records must be disclosed even if there was no "Internal Affairs investigation," as the City represented in responding to Mr. Howey's request.

democratic society” and “[t]he public has a right to know all about ... serious uses of force” by police officers. S.B. 1421 §§ 1(b), 4.

For these reasons, the requested records must be disclosed because they relate to an incident involving the use of force that resulted in great bodily injury.²

2. Any applicable right to privacy does not justify withholding the requested records in their entirety.

Any applicable “constitutional right of privacy” is not absolute. The CPRA’s “strong public policy supporting transparency in government” can override asserted privacy interests in appropriate circumstances. *Marken v. Santa Monica-Malibu Unified School Dist.*, 202 Cal. App. 4th 1250, 1271 (2012).

The public interest in police use of force and related investigations is especially compelling. *See Comm’n on Peace Officer Standards & Training v. Superior Court*, 42 Cal. 4th 278, 297, 299 (2007) (“Law enforcement officers carry upon their shoulders the cloak of authority to enforce the laws of the state. In order to maintain trust in its police department, the public must be kept fully informed of the activities of its peace officers... Peace officers hold one of the most powerful positions in our society; our dependence on them is high and the potential for abuse of power is far from insignificant.”) (citation and quotation marks omitted).

Certainly, the officers involved in the incident can claim no right to privacy against disclosure of records required by S.B. 1421. Penal Code § 832.7(b)(6)(A) (disallowing redaction of “names and work-related information of peace and custodial officers”); *Michael v. Gates*, 38 Cal. App. 4th 737, 745 (1995) (holding police officer has no “constitutional right to privacy” against disclosure of records pursuant to statute).

Given that Ms. Sanders placed the incident at public issue by filing suit, resulting in a published opinion and other publicly available documents, it is difficult to see how her right to privacy could preclude disclosure of the records requested by Mr. Howey. *See Register Div. of Freedom Newspapers v. County of Orange*, 158 Cal. App. 3d 893, 902 (1984) (“By making his personal injury claim, Clemens placed his alleged physical injuries, and medical records substantiating the same, in issue. Furthermore, by voluntarily submitting these records to the County for the purpose of reaching a settlement on his claim, Clemens tacitly *waived* any expectation of privacy regarding these medical records.”) (emphasis in original).

² Because the officers’ use of force resulted in great bodily injury, it is unnecessary at this point to discuss whether the force also resulted in Mr. Sanders’ death. That said, when a statute requires that an outcome was a “result” of an action, the action need only have been a “substantial factor” in bringing about the outcome. *In re S.O.*, 24 Cal. App. 5th 1094, 1101 (2018). A substantial factor may be “minor,” and it need only contribute to the result in a way that is “more than negligible or theoretical.” *People v. Lockwood*, 214 Cal. App. 4th 91, 102–03 (2013). Other concurrent causes do not negate use of force as a substantial factor. *Major v. R.J. Reynolds Tobacco Co.*, 14 Cal. App. 5th 1179, 1195–96 (2017). If the Taser use contributed to Mr. Sanders’ death, even concurrently with other causes, it “resulted in death” under Penal Code § 832.7.

The Legislature has provided that an agency may “redact a record” covered by S.B. 1421 for limited purposes, Penal Code § 832.7(b)(6)-(7), but it may not categorically withhold such records. Govt. Code § 6253(a) (requiring disclosure of any “reasonably segregable portion of a record ... after deletion of the portions that are exempted by law”). Therefore, the City may not assert the right to privacy to withhold the records requested by Mr. Howey in their entirety.

For these reasons, please ensure that the City of Fresno discloses the requested records to Mr. Howey as soon as possible. Thank you for your attention to this matter. Please let me know if you have any questions. I will be on vacation July 20-25.

Sincerely,

FIRST AMENDMENT COALITION

A handwritten signature in black ink, appearing to read "D. Loy", with a stylized flourish extending to the right.

David Loy
Legal Director

cc: Brian Howey

Exhibit K



David Loy <dloy@firstamendmentcoalition.org>

letter regarding CPRA request

Travis Stokes <Travis.Stokes@fresno.gov>
To: David Loy <dloy@firstamendmentcoalition.org>
Cc: Brian Howey <steelandballast@berkeley.edu>

Thu, Jul 28, 2022 at 10:07 AM

Dear Mr. Loy:

Thank you for your below email and attachments. The City of Fresno stands by its response to Mr. Howey's Public Records Act request.

Travis R. Stokes

Assistant City Attorney

Police Legal Advisor

[City of Fresno](#)

[2600 Fresno Street](#)

[Fresno, CA 93721-3602](#)

Telephone: (559) 621-7546

Facsimile: (559) 488-1084

travis.stokes@fresno.gov

From: David Loy <dloy@firstamendmentcoalition.org>
Sent: Tuesday, July 19, 2022 12:46 PM
To: Travis Stokes <Travis.Stokes@fresno.gov>
Cc: Brian Howey <steelandballast@berkeley.edu>
Subject: letter regarding CPRA request

External Email: Use caution with links and attachments

[Quoted text hidden]

Exhibit L

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SHARE THIS:



Date Published: 10/01/2018 09:00 PM

Senate Bill No. 1421

CHAPTER 988

An act to amend Sections 832.7 and 832.8 of the Penal Code, relating to peace officer records.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1421, Skinner. Peace officers: release of records.

The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, subject to certain exceptions. Existing law requires any peace officer or custodial officer personnel records, as defined, and any records maintained by any state or local agency relating to complaints against peace officers and custodial officers, or any information obtained from these records, to be confidential and prohibits the disclosure of those records in any criminal or civil proceeding, except by discovery. Existing law describes exceptions to this requirement for investigations or proceedings concerning the conduct of peace officers or custodial officers, and for an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

This bill would require, notwithstanding any other law, certain peace officer or custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers and custodial officers to be made available for public inspection pursuant to the California Public Records Act. The bill would define the scope of disclosable records. The bill would require records disclosed pursuant to this provision to be redacted only 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 officers and custodial officers, to preserve the anonymity of complainants and witnesses, or to protect confidential medical, financial, or other information in which disclosure would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct by peace officers and custodial officers, or where there is a specific, particularized reason to believe that disclosure would pose a significant danger to the physical safety of the peace officer, custodial officer, or others. Additionally the bill would authorize redaction where, on the facts of the particular case, the public interest served by nondisclosure clearly outweighs the public interest served by disclosure. The bill would allow the delay of disclosure, as specified, for records relating to an open investigation or court proceeding, subject to certain limitations.

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.

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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Peace officers help to provide one of our state's most fundamental government services. To empower peace officers to fulfill their mission, the people of California vest them with extraordinary authority — the powers to detain, search, arrest, and use deadly force. Our society depends on peace officers' faithful exercise of that authority. Misuse of that authority can lead to grave constitutional violations, harms to liberty and the inherent sanctity of human life, as well as significant public unrest.

(b) The public has a right to know all about serious police misconduct, as well as about officer-involved shootings and other serious uses of force. Concealing crucial public safety matters such as officer violations of civilians' rights, or inquiries into deadly use of force incidents, undercuts the public's faith in the legitimacy of law enforcement, makes it harder for tens of thousands of hardworking peace officers to do their jobs, and endangers public safety.

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 any 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 shall 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, or the Attorney General's office.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 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 in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(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 of 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 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

(2) 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, or 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.

(3) 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.

(4) 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) or (C) of paragraph (1), unless it relates to a sustained finding against that officer. 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 sustained finding against another officer that is subject to release pursuant to subparagraph (B) or (C) of paragraph (1).

(5) 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 complainants 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 misconduct and serious 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.

(6) Notwithstanding paragraph (5), 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.

(7) An agency may withhold a record of an incident described in subparagraph (A) of 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 use of force occurred or until the district attorney determines whether to file criminal charges related to the 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 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 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 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 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 use of serious 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 6258 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 thereto, 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 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 subparagraph (A) of paragraph (1), the agency may delay the disclosure of records or information until the investigating agency determines whether the 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 use of force, or allegation of use of force, by a person authorized to initiate an investigation, or 30 days after the close of any criminal investigation related to the peace officer or custodial officer's use of force, whichever is later.

(8) A record of a civilian 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.

(c) Notwithstanding subdivisions (a) and (b), a department or agency shall release to the complaining party a copy of his or her 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 he or she knows 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 his or her 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 shall not be 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.

SEC. 3. Section 832.8 of the Penal Code is amended to read:

832.8. As used in Section 832.7, the following words or phrases have the following meanings:

(a) "Personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to any of the following:

(1) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.

(2) Medical history.

(3) Election of employee benefits.

(4) Employee advancement, appraisal, or discipline.

(5) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.

(6) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

(b) "Sustained" means a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy.

(c) "Unfounded" means that an investigation clearly establishes that the allegation is not true.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which amends Section 832.7 of the Penal Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

The public has a strong, compelling interest in law enforcement transparency because it is essential to having a just and democratic society.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.