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Essick v. County of Sonoma

Court of Appeal, First District, Division 4, California - June 29, 2022 - Cal.Rptr.3d - 80 Cal.App.5th 562 - 2022 WL 2339453

Elected county sheriff, against whom harassment complaint had been filed with county, moved for preliminary injunction to bar county's release of complaint, as well as report and related documents prepared by independent investigator, after local newspaper requested such release pursuant to California Public Records Act (CPRA).

The Superior Court denied motion. Sheriff appealed.

The Court of Appeal held that:

- County was not sheriff's employing agency;
- County did not take on role of sheriff's employer; and
- County's agreement that investigation would comply with Public Safety Officers Procedural Bill of Rights Act (POBRA) did not estop county from disclosing complaint, report, and related documents.

County, with which harassment complaint had been filed regarding county sheriff, was not sheriff's "employing agency," and thus complaint, as well as report and documents prepared by investigator, were not personnel records, as used in statute that protected as confidential information obtained from peace officers' personnel records, or confidential files related to investigation of complaint by member of public, for purposes of provision of California Public Records Act (CPRA) that protected from disclosure records the disclosure of which was prohibited by law, even though county paid sheriff; sheriff was public official elected by county voters, county board of supervisors, which had oversight responsibility over sheriff, lacked power to hire, fire, or discipline him, and complaint, report, and documents had no consequence for sheriff's duties or compensation.

County, by commissioning investigatory report after member of public filed harassment complaint against elected county sheriff, did not take on role of county sheriff's employer, for purposes of statutes that protected as confidential information obtained from peace officers' personnel records and confidential files related to investigation of complaint by member of public, and thus provision of California Public Records Act (CPRA) that protected from disclosure records the disclosure of which was prohibited by law did not apply.

County's agreement that investigation into harassment complaint filed against elected county sheriff would comply with Public Safety Officers Procedural Bill of Rights Act (POBRA) did not estop county from disclosing complaint, or subsequent investigatory report and related documents, pursuant to California Public Records Act (CPRA), even though sheriff argued such agreement created enforceable legal promise that records would be confidential; nothing in POBRA statutory scheme explicitly granted or mentioned confidentiality from CPRA requests, such that there was no misrepresentation or concealment of material facts, and if report and findings were to be treated as confidential, only protection came outside of POBRA, from penal code provisions related to disclosure of documents.

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