

SUPREME COURT OF CALIFORNIA

County of Riverside v. Superior Court

27 Cal. 4th 793, 42 P.3d 1034, 118 Cal. Rptr. 2d 167 (Cal. 2002) · No. S094675 · Decided March 28, 2002

SUMMARY

The California Supreme Court considered whether a county must disclose to a probationary peace officer confidential documents from a background investigation conducted during his employment. The court held that the Public Safety Officers Procedural Bill of Rights Act applied to the investigation file and superseded potentially applicable confidentiality privileges, but that the officer's express waiver of his right to review the materials was enforceable. The court reversed the Court of Appeal and directed issuance of a writ of mandate consistent with its opinion.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Brown, J.; George, C.J.; Baxter, J.; Chin, J.; Werdegar, J.; Kennard, J.; Moreno, J.
JURISDICTION	California
DECIDED	March 28, 2002
DOCKET	S094675
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The County petitioned for a writ of mandate challenging a superior court order requiring production of redacted background-investigation documents to Madrigal. After the Court of Appeal declined to issue the writ, the California Supreme Court granted review and reversed.
STANDARD OF REVIEW	Review of the legal interpretation and application of the Public Safety Officers Procedural Bill of Rights Act and the enforceability of a statutory-rights waiver; the relevant undisputed facts were reviewed as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	County of Riverside v. Superior Court of Riverside County

TOPICS

- employment law
- statutory interpretation
- evidence
- municipal law

PRACTICE AREAS

employment law

public-sector employment

law enforcement personnel records

administrative law

QUESTIONS PRESENTED

1. Whether the Public Safety Officers Procedural Bill of Rights Act applies to a law enforcement agency's background-investigation file concerning a peace officer hired on a probationary basis.
2. Whether the Act applies when the background investigation concerns conduct occurring before the officer's employment and when documents are prepared after termination.
3. Whether statutory and common-law privileges, including official-information and informant privileges, preclude disclosure of adverse comments to the officer.
4. Whether an existing peace officer may validly waive the Act's protections as to a background investigation of preemployment conduct.
5. Whether Madrigal's express waiver was knowing and voluntary and therefore enforceable.

HOLDINGS

1. A background-investigation file compiled during a peace officer's probationary employment is a personnel file or other file used for personnel purposes under Government Code section 3305 when its contents may affect the officer's employment status. The Act applies regardless of the label assigned to the file.
2. The Act applies to adverse comments arising from conduct occurring before the officer's employment and to documents prepared after termination when they summarize an investigation that was ongoing during employment and was intended to assess continued employment.
3. The specific provisions of the Public Safety Officers Procedural Bill of Rights Act giving an officer access to adverse comments take precedence over the more general deliberative-process, official-information, and informant privileges, at least as to the officer's right to view the documents.
4. A limited waiver of the Act by an existing peace officer is enforceable when it concerns an investigation of matters arising before employment, expires after one year, and is made knowingly and voluntarily.
5. Madrigal's waiver was enforceable because he was an existing peace officer applying for a new peace officer position and knew or should have known that the County's background-investigation file could be shared with future law enforcement employers while he could not review it himself.

KEY QUOTATIONS

"The Act applies to any adverse comment "entered in [an officer's] personnel file, or any other file used for any personnel purposes." (802)

"We think the specific provisions of the Bill of Rights Act, giving peace officers a right to view adverse comments in their personnel files, take precedence over the more general statutory and common law privileges on which the County relies." (804)

“In sum, we conclude that a limited waiver of the Bill of Rights Act by an existing peace officer is enforceable.” (806)

“We further conclude, however, that Madrigal’s express waiver of his right to view the background investigation file is enforceable because he knew or should have known the full consequences of that waiver.” (807)

FACTUAL BACKGROUND

The City of Perris received a citizen complaint alleging that its police officer, Xavier Martin Madrigal, had engaged in serious misconduct. After the City disbanded its police department, Riverside County hired Madrigal provisionally as a probationary deputy sheriff while conducting a background investigation, including a polygraph examination. Madrigal signed documents waiving any right to review the County's background-investigation report, and the County later dismissed him during probation after obtaining adverse information. The superior court ordered the County to provide Madrigal redacted copies of portions of the investigation file.

PROCEDURAL HISTORY

Madrigal sued the County seeking disclosure of his background-investigation file and other relief. The superior court ordered the County to produce redacted copies of a polygraph report and an investigative memorandum after an in camera review. The Court of Appeal denied the County's writ petition, and the Supreme Court granted review and transferred the matter to the Court of Appeal for further proceedings. After the Court of Appeal again declined to issue a writ, the Supreme Court granted review a second time and reversed with instructions to issue the writ.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal was instructed to issue a writ of mandate in accordance with the Supreme Court's opinion.

CASES CITED

- Aguilar v. Johnson, 202 Cal. App. 3d 241, 247 Cal. Rptr. 909 (1988)
- Brutsch v. City of Los Angeles, 3 Cal. App. 4th 354, 4 Cal. Rptr. 2d 456 (1992)
- Burden v. Snowden, 2 Cal. 4th 556, 7 Cal. Rptr. 2d 531, 828 P.2d 672 (1992)
- Los Angeles Police Protective League v. City of Los Angeles, 35 Cal. App. 4th 1535, 42 Cal. Rptr. 2d 23 (1995)
- Miller v. Chico Unified School Dist., 24 Cal. 3d 703, 157 Cal. Rptr. 72, 597 P.2d 475 (1979)
- Times Mirror Co. v. Superior Court, 53 Cal. 3d 1325, 283 Cal. Rptr. 893, 813 P.2d 240 (1991)
- Bickel v. City of Piedmont, 16 Cal. 4th 1040, 68 Cal. Rptr. 2d 758, 946 P.2d 427 (1997)
- Cowan v. Superior Court, 14 Cal. 4th 367, 58 Cal. Rptr. 2d 458, 926 P.2d 438 (1996)

- Roberts v. Superior Court, 9 Cal. 3d 330, 107 Cal. Rptr. 309, 508 P.2d 309 (1973)
- Baggett v. Gates, 32 Cal. 3d 128, 185 Cal. Rptr. 232, 649 P.2d 874 (1982)
- Covino v. Governing Board, 76 Cal. App. 3d 314, 142 Cal. Rptr. 812 (1977)
- De Haviland v. Warner Bros. Pictures, 67 Cal. App. 2d 225, 153 P.2d 983 (1944)
- Murillo v. Fleetwood Enterprises, Inc., 17 Cal. 4th 985, 73 Cal. Rptr. 2d 682, 953 P.2d 858 (1998)
- In re Chantal S., 13 Cal. 4th 196, 51 Cal. Rptr. 2d 866, 913 P.2d 1075 (1996)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/california-supreme-court-of-california/2002/county-of-riverside-v-superior-court-5lzbv4j0>