



PUBLIC SAFETY POLICY COMMITTEE
Thursday, April 15, 2021
9:30 am – 12:30 pm

Register for this meeting:

<https://zoom.us/meeting/register/tJwtdOmrqzkqHNb-BdBH0-knB1sDH1xk9Q5>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

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AGENDA

- I. Welcome and Introductions**
Speakers: Chair, Bob Whalen, Mayor, Clovis
Vice Chair, Pippin Dew, Councilmember, Vallejo

- II. Public Comment**

- III. General Briefing (Handout)**

- IV. Public Safety Task Force Overview** *Informational*
Speaker: Pippin Dew, Task Force Chair, Councilmember, Vallejo

- V. Legislative Agenda (Attachment A)** *Action*
 - 1. Proposed First Responder and Law Enforcement Policies
Task Force Recommendation: Support
 - 2. [AB 89 \(Jones-Sawyer\)](#) Peace Officers: Minimum Qualifications.
Task Force Recommendation: Oppose
 - 3. [SB 387 \(Portantino\)](#) Peace Officers: Certification, Education, and Recruitment.
Task Force Recommendation: Support
 - 4. [AB 603 \(McCarty\)](#) Law Enforcement Settlements and Judgments: Reporting.
Task Force Recommendation: Oppose
 - 5. [AB 48 \(Gonzalez\)](#) Law Enforcement: Kinetic Energy Projectiles and Chemical Agents.
Task Force Recommendation: Oppose
 - 6. [AB 594 \(McCarty\)](#) Law Enforcement Policies.
Task Force Recommendation: Watch
 - 7. [AB 718 \(Cunningham\)](#) Peace Officers: Investigations of Misconduct.
Task Force Recommendation: Support
 - 8. [AB 60 \(Salas\)](#) Law Enforcement.
Task Force Recommendation: Watch

- VI. Legislative Update** *Informational*
Speaker: Elisa Arcidiacono, Public Safety Legislative Representative,
League California Cities
A list of all the Cal Cities PS bills can be found [here](#).

- VII. Adjourn**

Next Virtual Meeting: Thursday, June 3, 2021, 9:30 am – 12:30 pm

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

1. *Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
2. *A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at Cal Cities meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

Fiscal Impact:

There could be impacts to administrative costs for carrying out investigations where an agency might have otherwise concluded without findings.

Existing Cal Cities Policy:

Cal Cities does not have existing policy on this issue.

Staff Comments:

This bill aims to reconcile a loophole within SB 1421 (Skinner, 2018) which establishes parameters for the release of officer records. This change would ensure that sustained findings of use of force resulting in death or great bodily injury, sexual assault, discharge of a firearm, or dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer or custodial officer would warrant a thorough investigation and subsequent disclosure.

Support and Opposition:

None Listed at This Time

Task Force Recommendation:

Support AB 718 (Cunningham)

Vote Count: 15-1

Committee Recommendation:**Board Action:****7. [AB 60 \(Salas\) Law enforcement](#). (As Amended 3/16/21)****Overview:**

This measure would create a decertification system within the Commission on Peace Officers Standards and Training (POST) to revoke the certification of officers if they are found guilty of serious misconduct.

Bill Description:

AB 60 would:

- Disqualify a person from employment as a peace officer if they have been convicted or adjudicated by a military tribunal for committing an offense that would be a felony in California;
- Disqualify a person who has been certified as a peace officer by POST and has had that certification revoked;
- ~~Grant POST the authority to investigate and determine the fitness of a person to serve as a peace officer in the state;~~
- **Require a peace officer's certificate to be suspended, revoked, or canceled when the person is ineligible to be a peace officer or because the person has been subject to a sustained termination for serious misconduct on or after January 1, 2022;**

- Require POST to adopt by regulation a definition of "serious misconduct," which would be limited to conduct of such a nature that the officer's continued certification as a peace officer poses a significant threat to the public;
- Make law enforcement agencies responsible for investigations, findings, and actions on allegations of serious misconduct and would give POST access to the agencies files;
- Require POST to be notified and to review a peace officer's file after three allegations of serious misconduct within five years. POST must be notified within ten days of an officer's third allegation of serious misconduct;
- Make all records related to the revocation of a peace officer's certification by POST public if findings of misconduct are sustained;
- Require every law enforcement agency to notify POST within ten days when a peace officer employed by that agency separates from employment;
- Allow a resigned or retired peace officer to be afforded an evidentiary hearing to appeal any sustained charges of serious misconduct that could result in revocation of their certificate;
 - If the former officer prevails in the administrative appeal hearing, the officer's certification would be fully restored;
- Establish the Peace Officer Standards Accountability Advisory Board to make recommendations on decertification of peace officers to POST.
- Require law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data obtained from unmanned aircraft systems.

AB 60 would establish the Peace Officer Standards Accountability Advisory Board to make recommendations on decertification to POST. The Governor would create the advisory board on or before January 1, 2023, and include ~~ten~~ eleven members:

- ~~Three~~ Two peace officers or former peace officers with experience as head of an agency or at the executive level;
- Two peace officers or former peace officers with experience at a management rank in internal investigations or disciplinary proceedings of peace officers;
- One sworn peace officer (as defined in 830.2) who is a duly elected executive member of a recognized employee organization, excluding the Office of Correctional Safety of the Department of Corrections and Rehabilitation;
- One sworn peace officer (as defined in 830.1) who is a duly elected executive member of a recognized employee organization;
- Two members of the public, who are not former peace officers, and who have substantial experience working at nonprofit or academic institutions on issues related to criminal justice or determining peace officer disciplinary appeals;
- Two members of the public, who are not former peace officers, and who have substantial experience working at community-based organizations on issues related to criminal justice; and
- One attorney, who is not a former peace officer, and who has substantial professional experience involving peace officer oversight.

Background:

Police Reform in the Legislature:

In response to George Floyd's death and the civil unrest the ensued across the nation, it became clear that public safety and police reform policy, in particular, would be a major priority of the Legislature this year.

As such, Assembly Speaker Anthony Rendon announced the formation of a Select Committee on Police Reform and appointed committee members. The committee will continue California's leadership in police reform and seek measures to ensure public safety. Broad topics for the committee include law enforcement hiring and training, as well as options for increasing accountability of agencies and officers to reduce public safety risks.

The genesis of AB 60:

The author of AB 60 expressed concern about peace officers' ability to move departments despite violations of misconduct or past unlawful action. Departments may not be aware of an officer's past misconduct due to the lack of a statewide system of decertification, as well as the tactic of resigning in lieu of termination, where an officer under investigation resigns before the investigation is completed.

This measure would create a disqualification pathway for peace officers modeled after other professions. Specifically, they draw upon the practices of the medical, legal, and education fields, which are monitored by commissions or boards to guarantee employees do not violate trust, and at the same time, protect the rights of employees against unfair labor practices.

The Role of POST:

POST sets minimum standards for the recruitment and training of peace officers and develops training courses and curriculum. POST includes a professional certificate program that awards basic, intermediate, advanced, supervisory, management, and executive certificates on the basis of a combination of training, education, experience, and other prerequisites, for the purpose of fostering the professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. POST can cancel a certificate that was awarded in error or obtained through misrepresentation or fraud but is otherwise prohibited from canceling a certificate that has properly been issued.

These bills give POST the authority to disqualify a peace officer from employment by creating a procedure, which can affirm an agency's finding of discipline or require further investigation.

Fiscal Impact:

It is possible that AB 60 would protect the cities from financial liabilities by avoiding serious misconduct by peace officers that would be disqualified from employment. There could be unanticipated costs for city police departments in reporting information detailed in this bill to POST.

Existing Cal Cities Policy:

Cal Cities does not have existing policy on the topics discussed.

Staff Comments:

This measure aims to codify standards for disqualification from peace officer status through better information sharing. There is no standard currently in place for the transfer of information regarding officer misconduct from the military or other police agencies.

AB 60 would also require the establishment of a POST Advisory Board with prescribed membership. This body would effectively remove final revocation responsibilities from local jurisdictions and act as the third party validator to either substantiate local findings of misconduct or investigate further.

Better policing starts with hiring better candidates. This would effectively increase transparency across agencies, possibly limit liability to cities, and improve community confidence.

Support and Opposition:

None Listed at This Time

Task Force Recommendation:

Watch AB 60 (Salas)

No Vote Taken

Committee Recommendation:**Board Action:**