



**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.

.....  
**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.*



## Public Safety Policy Committee Legislative Agenda April 14, 2021

**Staff:** Elisa Arcidiacono, Legislative Representative, (916) 720-8025  
Caroline Cirrincione, Legislative Analyst, (916) 658-8250

### **1. Proposed Additions to the Summary of Existing Policy and Guiding Principles**

#### **Purpose:**

First responding agencies have seen a significant increase in mental health and substance abuse-related calls within the last decade. This shift has altered the training necessary for our first responders to be helpful with the populations being served. Better triaging of emergent calls and coordination with appropriate expertise for the subsequent response is becoming more of a priority for long-term care.

Additionally, in response to the death of George Floyd and the civil unrest that ensued across the nation, the state has mobilized to address concerns relating to officer minimum qualifications, use of force, investigations, decertification, etc.

Additional guidance in these policy areas from our members would prove beneficial for continued engagement from Cal cities on such issues.

#### **Existing Cal Cities Policy:**

Cal Cities Summary of Existing Policy and Guiding Principles is silent on issues related to first responders and their interactions with mentally ill and substance use disorder populations.

As noted below, the existing policy does mention minimum standards on law enforcement specific to use of force policies, but it silent on subsequent action following noncompliance with these standards.

- **“Police Use of Force:** Cal Cities supports transparency on the part of law enforcement agencies regarding agencies’ policies on the use of force.”
- **“Police Use of Force:** Cal Cities supports the establishment of minimum state standards on use of force that must be included in all California law enforcement agencies’ use of force policies.”
- **“Police Use of Force:** Cal Cities supports basic training requirements and guidelines for agencies and law enforcement officers on use of force, including, but not limited to training on the legal standards for use of force, one’s duty to intercede, implicit and explicit bias and alternatives to the use of deadly force.”

#### **Proposed Changes:**

**First Responders: Cal Cities supports policies and resources to increase collaboration between first responder and health agencies for incidents involving mentally ill and substance use disorder populations.**

**Cal Cities supports resources for increased training for first responders to engage, transport and divert mentally ill and substance use disorder populations as well as increased collaboration with counties to better serve these populations.**

**Law Enforcement: In addition to the mental health screening provided by local hiring entities, Cal Cities supports resources and education to support the mental health of law enforcement personnel.**

**Cal Cities recognizes the need to establish a peace officer decertification process through POST.**

**Staff Comments:**

Cal Cities staff believes the policy detailed above will provide needed clarity to the Public Safety section of the Summary of Existing Policy and Guiding Principles. The “first responders” policy will ensure that Cal Cities continues to play an integral role in advocating for appropriate training and resources for law enforcement officers engaging with mentally ill and substance use disorder populations. Additionally, the “law enforcement” policy will ensure we are recruiting and retaining quality peace officers.

**Task Force Recommendation:**

Support Proposed Policies

Vote Counts:

Policy #1: 15-0

Policy #2: 15-0

Policy #3: 14-1

Policy #4: 10-4

**Committee Recommendation:**

**Board Action:**

2. **[AB 89 \(Jones-Sawyer\) Peace Officers: Minimum Qualifications.](#)** *(As Amended 02/17/21) and*  
**[SB 387 \(Portantino\) Peace Officers: Certification, Education, and Recruitment.](#)** *(As Introduced 02/11/21)*

**Overview:**

These measures increase the minimum standards for employment as peace officers focusing on education and age considerations.

**Bill Descriptions:**

Specifically, AB 89 would:

- Increase the minimum age to be a peace officer in California from 18 years of age to 25 years of age;

- Require individuals between 18-24 years of age to have a bachelors or advanced degree from an accredited university or college; and
  - These requirements do not apply to individuals 18-24 years of age who are already employed as a peace officer on this bill's effective date.

Specifically, SB 387 would:

- Require the Commission on Peace Officer Standards and Training (POST) to work with stakeholders from law enforcement, the University of California, California State University, California Community Colleges, and community organizations to develop a list of courses to include as requirements for obtaining a basic certificate;
  - These courses could be taken before, during, or after the completion of a police academy;
  - POST must consider allowances for prior law enforcement experience, post-secondary education experience, and military experience to satisfy these requirements;
  - Requirements do not apply to individuals who were already peace officers as of December 31, 2021;
- Establish the Statewide Law Enforcement Education Fund, and make money in the fund available for providing financial support towards a higher education degree for individuals that commit to pursuing a law enforcement career; and
- Requires POST to establish statewide recruitment teams for purposes of actively recruiting elementary and secondary school pupils to pursue careers in law enforcement and performing education and outreach within schools.

**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 89 and SB 387:*

The author of AB 89 argues that increasing the age requirement to 25 is a step in the right direction, as brain development, particularly the portion affecting judgment and decision-making, is accomplished at 25. Additionally, they note that college education reduces the likelihood of using excessive force. Four states, including Illinois, Nevada, New Jersey, and North Dakota, require a bachelor's degree as the educational requirement, and 18 states require at least some college.

The sponsors of SB 387 explain that in a recent survey of 10,000 officers, only 7% said they would recommend law enforcement as a career. SB 387 would address this issue, requiring

outreach to K-14 students to show the value of a career in law enforcement as an honorable profession worthy of pursuing for all of California's youth, regardless of their background, race, gender, or financial status. Additionally, as policing has become more complex, the level of education of officers has not changed. The sponsors of SB 387 argue that more educational opportunities will prepare and empower officers to approach each interaction with the necessary tools and skills.

*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.

**Fiscal Impact:**

Increasing the minimum qualifications for law enforcement could impact police recruitment, leaving police departments understaffed.

**Existing Cal Cities Policy:**

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

**Staff Comments:**

AB 89 focuses on increasing the age for law enforcement recruits from 18 to 25, unless the candidate has a bachelor's or advanced degree. This age range is commonly referred to as "transitional age youth" and has historically been utilized in the context of the offender population to convey a lack of full brain development as it relates to decision-making.

SB 387 directs POST to work with stakeholders to outline minimum education standards for peace officer certification and to create a fund to increase access to required courses. Increased training undoubtedly leads to more positive interactions within the community and is a common priority across jurisdictions.

Both bills raise the threshold for entry into the law enforcement profession, subsequently decreasing the candidate pool. There will likely be costs associated with any changes to recruitment strategies upfront with the potential for reducing fiscal impacts relating to negative outcomes.

**Support and Opposition:**

AB 89 Supporters:

- California Faculty Association (Co-Sponsor)
- California Nurses Association
- California Public Defenders Association (CPDA)
- California State Council of Service Employees International Union
- Exonerated Nation
- Exonerated Nation INC

- National Center for Youth Law
- San Francisco Public Defender
- Santa Barbara Women's Political Committee
- Sigma Beta Xi, INC. (sbx Youth and Family Services)
- Southeast Asia Resource Action Center
- The W. Haywood Burns Institute
- Youth Leadership Institute

AB 89 Opposition:

- California Correctional Peace Officers Association
- California Peace Officers Association
- California Police Chiefs Association
- Peace Officers Research Association of California (PORAC)
- San Francisco Police Officers Association

SB 387 Supporters:

- California Police Chiefs Association (Sponsor)
- Peace Officers Research Association of California (Sponsor)

SB 387 Opposition:

None Listed at This Time

**Task Force Recommendation:**

Oppose AB 89 (Jones-Sawyer)

Vote Count: 15-2

Support SB 387 (Portantino)

Vote Count: 15-2

**Committee Recommendation:**

**Board Action:**

3. **[AB 603 \(McCarty\) Law Enforcement Settlements and Judgements: Reporting](#)** (As Introduced 02/11/21)

**Overview:**

This measure would require municipalities to post information online about settlement and judgments resulting from allegations of improper police conduct by peace officers.

**Bill Description:**

Specifically, AB 603 would:

- Require local governments to annually post information on their website relating to settlements and judgments resulting from allegations of improper police conduct;
- This information would include:

- The court in which the action was filed;
- The name of the law firm representing the plaintiff;
- The name of the law firm or agency representing each defendant;
- The date the action was filed;
- Whether the plaintiff alleged improper police conduct;
- If the action has been resolved, the date on which it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff by the city;
- The amount the city paid, broken down by individual settlement and judgment, information on bonds used to finance use of force settlement and judgment payments, and premiums paid for insurance against settlements or judgments; and
- Require the Transportation Agency to annually post the same information on its website regarding settlements and judgments against the Department of the California Highway Patrol.

**Background:**

*Police Reform in the Legislature:*

In response to George Floyd's death and the civil unrest that 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 603:*

The author of AB 603 argues this measure will establish necessary transparency requirements surrounding police use of force settlements and judgments against police and sheriff's departments and the Department of the California Highway Patrol.

Specifically, they argue incidents of police misconduct often result in civil lawsuits and payments by cities, counties, and the state to the civilians harmed. The author explains these settlements and judgments are often agreed to in closed sessions at city council and board of supervisors meetings, with expensive settlements. The goal of AB 603 is to increase the amount of publicly available information about the costs to taxpayers.

**Fiscal Impact:**

While this measure's ultimate fiscal impact is unknown, the public's opinion of these payments could impact how much cities and counties spend on civil lawsuits for improper police conduct in the future.

**Existing Cal Cities Policy:**

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

**Staff Comments:**

This bill does not include the disclosure of personnel records but rather the financial settlement information related to police misconduct. With the exclusion of officer information, this bill does not directly relate to decertification. It instead aims to prompt local jurisdictions to implement more stringent standards for misconduct.

The annual postings should highlight areas of concern and/or problematic personnel for local jurisdictions to take action on. Transparency in this regard could potentially limit liability to cities moving forward.

**Support and Opposition:**

None Listed at This Time

**Task Force Recommendation:**

Oppose AB 603 (McCarty)

Vote Count: 15-1

**Committee Recommendation:****Board Action:****4. [AB 48 \(Gonzalez\)](#) Law enforcement: kinetic energy projectiles and chemical agents. (As Amended 03/16/21)****Overview:**

This measure would prohibit the use of kinetic energy projectiles or chemical agents unless used to defend against a threat to life or serious bodily injury to any individual.

**Bill Description:**

Specifically, AB 48 would:

- Prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive;
- ~~Prohibit the use of chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas by law enforcement agencies to disperse any assembly, protest, or demonstration;~~
- Include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer;
- Require monthly reporting of use of force incidents to the Department of Justice;

- Require each law enforcement agency, beginning on January 1, 2023, to report any incident in which a kinetic energy projectile or chemical agent is used against a person resulting in a reported injury;
- Require those agencies, commencing on March 31, 2024, to annually publish a report on their use of kinetic energy projectiles and chemical agents.

**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 48:*

The author of AB 48 argues at least 115 people were shot in the head or neck between May 26, 2020 and July 27, 2020 at protests immediately following George Floyd's death. Additionally, at least 100 law enforcement agencies across the country, including 11 in California, have used some form of tear gas against civilians protesting police brutality and racism during that same time frame.

The author recognizes that while most police departments have their own policies on their use of "less lethal" weapons, there are no statewide or national standards aimed at protecting the safety of Californians exercising their right to assemble and protest.

**Fiscal Impact:**

Increased reporting on use of force incidents from annually to monthly would increase administrative costs for law enforcement agencies.

**Existing Cal Cities Policy:**

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

**Staff Comments:**

This bill would place a prohibition on the use of kinetic energy projectiles (rubber bullets) and chemical agents (pepper spray) unless there is a threat to life or serious bodily injury. It should be considered that an arbitrary ban on these tools may not increase public safety but further limit a peace officer's ability to enforce the law. The additional burden of monthly reporting would increase the administrative workload substantially.

We are working with the California Police Chiefs to engage the author's office on amendments to expand utilization for incidents involving violence or risks to infrastructure.

**Support:**

- Alliance San Diego
- Asian Solidarity Collective
- California Attorneys for Criminal Justice
- California Black Media
- California Broadcasters Association
- California Faculty Association
- California News Publishers Association
- California Nurses Association
- California Public Defenders Association (CPDA)
- California State PTA
- California Teachers Association
- Change for Justice
- Consumer Attorneys of California
- County of Los Angeles Board of Supervisors
- Ethnic Media Services
  
- First Amendment Coalition
- National Association of Social Workers, California Chapter
- Oakland Privacy
- Pillars of The Community
- San Francisco Public Defender
- SEIU California
- Showing Up for Racial Justice (SURJ) San Diego
- Showing Up for Racial Justice North County
- Team Justice
- Think Dignity
- We the People - San Diego

**Opposition:**

- California Coalition of School Safety Professionals
- California Peace Officers Association
- California State Sheriffs' Association
- California Statewide Law Enforcement Association
- Los Angeles County Sheriff's Department
- Los Angeles School Police Officers Association
- Palos Verdes Police Officers Association
- Riverside Sheriffs' Association
- Santa Ana Police Officers Association
- Southwest California Legislative Council

**Task Force Recommendation:**

Oppose AB 48 (Gonzalez)

Vote Count: 13-1

## **Committee Recommendation:**

## **Board Action:**

### **5. [AB 594 \(McCarty\) Law enforcement policies.](#) (As Amended 03/16/21)**

#### **Overview:**

This measure would require all law enforcement agencies to conduct a criminal investigation of specified force incidents, and would prohibit a law enforcement agency from conducting the criminal investigation into those incidents involving officers of their own agency.

#### **Bill Description:**

Specifically, AB 594 would:

- Require an agency to conduct a criminal investigation of **deadly** force incidents, and would prohibit a law enforcement agency from **having primary responsibility for** conducting the criminal investigation into those incidents involving an officer employed by that agency;
- Provide alternative protocols for investigations of those incidents, including investigation by the district attorney's office, another law enforcement agency, or a **multidisciplinary and** multiagency task force;
- Require each agency to adopt a written policy, or amend their existing written policy on the criminal investigation of officer-involved **deadly** use of force incidents, to be compliant with the requirements of this bill, and to make that policy available to the public; and
- These requirements apply only to a criminal investigation and not to any administrative or disciplinary investigation.

#### **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 594:*

The author of AB 594 argues that in California alone, there have been almost 800 fatal shootings by police since 2015, yet less than five independent investigations have been conducted. Additionally, the author states that a 2017 study by Stanford Law School showed that law enforcement agencies and district attorneys often fall short in carrying out independent investigations of their own colleagues. The possibility for bias and conflicts of

interest is obvious, as there is likely a developed relationship between the officer in need of the investigation and their colleagues.

Wisconsin, New York, Illinois, New Jersey, and Connecticut have enacted policies to require independent investigations when a police officer is involved in the death of a civilian. AB 594 would require law enforcement to refer primary responsibility of deadly use-of-force investigations to a separate agency, eliminating potential bias from an in-house investigation.

**Fiscal Impact:**

While this measure's ultimate fiscal impact is unknown, there could be some burden placed on the various entities charged with conducting the investigation.

**Existing Cal Cities Policy:**

Cal Cities does not have existing policy.

**Staff Comments:**

This bill is not prescriptive on how jurisdictions would be chosen to conduct investigations for police agencies statewide. Smaller jurisdictions might not be able to bear the financial burden, while larger jurisdictions might run into issues finding other agencies to take on their workload.

Because there is no set standard, agencies fulfill these duties in a variety of ways. California Police Chiefs Association has a survey out regarding current protocols. As written, Police Chiefs and State Sheriffs have pending approval by their Boards to oppose. Los Angeles Police Protective League has already taken an oppose position.

**Support:**

- California Public Defenders Association (CPDA)
- Consumer Attorneys of California
- San Francisco Public Defender

**Opposition:**

- California Association of Highway Patrolmen
- California Attorneys for Criminal Justice
- California State Sheriffs' Association
- Peace Officers Research Association of California (PORAC)

**Task Force Recommendation:**

Watch AB 594 (McCarty)  
No Vote Taken

**Committee Recommendation:**

**Board Action:**

6. **AB 718 (Cunningham) Peace officers: investigations of misconduct.** (As Introduced 02/16/21)

**Overview:**

This measure would require a law enforcement agency or oversight agency to complete and disclose findings of its investigation despite the peace officer's or custodial officer's voluntary separation from the employing agency.

**Bill Descriptions:**

Specifically, AB 718 would:

- Require a law enforcement agency or oversight agency to complete its investigation into an allegation of the 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, despite the peace officer's or custodial officer's voluntary separation from the employing agency.;
- Require the investigation to result in a finding that the allegation is either sustained, not sustained, unfounded, or exonerated, as defined; and
- Require an agency other than an officer's employing agency that conducts an investigation of these allegations to disclose its findings with the employing agency no later than the conclusion of the investigation.

**Background:**

*Police Reform in the Legislature:*

In response to George Floyd's death and the civil unrest that 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 718:*

The author of AB 718 argues that SB 1421 (Skinner, 2018) mandates that only under very strict circumstances, investigative records of peace officers accused and found guilty of certain types of serious misconduct become eligible for public release under a Public Records Act request.

The records for an officer accused of sexually assaulting a member of the public of this assault may only become public if a law enforcement agency conducts an investigation and reaches a "sustained finding". However, if an officer is fired or resigns before an investigation can begin or is completed, a "sustained finding" is not reached. This means that investigative records relating to this assault are ineligible to be released pursuant to a public records request.

**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:**