



PUBLIC SAFETY POLICY COMMITTEE
Thursday, February 11, 2021
9:00 am – 12:30 pm

Register for this meeting:

[https://zoom.us/meeting/register/tJEpf--upjliGNZ3uw4bRVR3kSBPW7I-V6J4](https://zoom.us/join/joinMeeting?url=joinMeetingUrl&meetingId=981245432345)

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, Pippin Dew, Councilmember, Vallejo
Vice Chair, Ray Marquez, Councilmember, Chino Hills
Cal Cities President Cindy Silva, Mayor Pro Tem, Walnut Creek
Cal Cities Executive Director and CEO Carolyn Coleman*

II. Public Comment

III. Adoption of 2022 Work Program (Attachment A) Action

IV. Update to Existing Policy and Guiding Principles (Attachment B) Action

V. Legislative Agenda (Attachment C) Action

- [AB 1597 \(Waldron\)](#) Shoplifting: Increased Penalties for Prior Crimes.
- [AB 1599 \(Kiley\)](#) Proposition 47: Repeal.
- [AB 1603 \(Salas\)](#) Theft: Shoplifting: Amount.

VI. Legislative Update Informational
Speaker: Elisa Arcidiacono, Legislative Representative, Cal Cities

VII. Council on Criminal Justice Working Group Briefing Informational
*Speakers: Thomas Abt, Senior Fellow, Council on Criminal Justice
Jason Potts, City of Vallejo Police Captain*

VIII. Adjourn

Next Meeting: Friday, April 29, 9:30am- 12:30pm

A list of all the Cal Cities Public Safety bills can be found [here](#).

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.



Cal Cities Public Safety Committee – 2022 Draft Work Program

- Support legislative solutions to address the statewide increases in property crimes and crimes against persons.
- Support policies promoting officer safety and accountability as well as recruitment and retention efforts for staffing local agencies.
- Support policies that promote appropriate policing alternatives and resources to build and support community-based systems of care.
- Support policies that deter criminal activity and end cycles of recidivism.
- Support additional tools and resources to address critical community challenges such as homelessness, mental health, substance abuse, cyber security issues, and bridging reentry for previously incarcerated individuals.

Summary of Existing Policies and Guiding Principles February 2022

Public Safety

Scope of Responsibility

The Committee on Public Safety reviews federal and state legislation and issues related to law enforcement, fire and life safety policies, emergency communications, emergency services, disaster preparedness, Indian gaming, and nuisance abatement.

Summary of Existing Policy and Guiding Principles

Fire Services

Cal Cities supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities.

Cal Cities supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

Cal Cities supports legislation to provide a framework for a solution to long-standing conflict between cities, counties, the fire service and LEMSA's, particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

Cal Cities supports stored pressure dry chemical fire extinguishers to be serviced and recharged every six years or after each use, whichever occurs first. Additionally, Cal Cities supports requiring a licensed technician to perform the annual external maintenance examination of stored pressure dry chemical fire extinguishers.

Cal Cities opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

Cal Cities supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

Cal Cities supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions.

Cal Cities supports incentives for homeowners who undertake measures to “harden their homes.”

Emergency Services and Preparedness

Cal Cities supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource.

Cal Cities supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. Cal Cities also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility.

Emergency Communications Interoperability: Cal Cities supports activities to develop and implement statewide-integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local, state and federal law enforcement, fire, emergency medical and other public safety agencies.

Cal Cities supports a single, efficient, performance-based state department (~~the California Emergency Management Agency~~) to be responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.

Cal Cities supports efforts to secure additional funding for local agencies to provide training opportunities for appropriate first responder personnel to improve their ability to respond to oil spills, fires, and other hazardous materials accidents.

Cal Cities supports legislation and additional state and federal regulation crafted to ensure that first responders can perform their duties during emergency response operations without interference from unmanned aerial systems, or drones.

Cal Cities supports the authorization of cities to approve and develop Community Paramedicine or Triage to Alternate Destination programs for their jurisdictions.

Cal Cities opposes policies that limit cities’ ability to privately contract for emergency medical services.

Law Enforcement

Cal Cities supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and

- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Cal Cities opposes booking fees and continues to seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.

Cal Cities supports a local government's ability to double the fine for traffic violations in school zones in an attempt to reduce the speed of drivers and protect our youth.

Cal Cities supports reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals, including the direct costs associated with processing and booking at the time of arrest.

Cal Cities supports policies that promote a victim's right to seek restitution, create restrictions on the early release of state inmates from incarceration for the purpose of alleviating overcrowding, and limit parole hearing opportunities for state inmates serving a life sentence or paroled inmates with a violation.

Cal Cities supports parolee search and seizure terms, which aids local law enforcement's ability to manage paroled offenders.

Cal Cities supports increased penalties for metal theft, and recognizes that statewide regulation is needed to discourage "jurisdiction shopping". Cal Cities also supports increased record-keeping and reporting requirements for junk dealers, including the collection of thumbprints from sellers.

Cal Cities supports accountability on the part of law enforcement agencies concerning police surveillance technology and policies, as well as related oversight by local governing bodies, but also strongly supports limits on disclosure of the full capabilities of such technology to the general public where such disclosure would compromise the effectiveness of the technology's law enforcement applications.

Cal Cities supports policies that require state government entities to notify local law enforcement about known individuals that are prohibited from owning or possessing a firearm.

Cal Cities supports policies that authorize law enforcement officers to administer opioid antagonist medications.

Cal Cities opposes policies that restrict law enforcement agencies from utilizing surveillance technology that would otherwise enhance their ability to prevent criminal activity.

In addition to the mental health screening provided by local hiring entities, Cal Cities supports resources and education to support the mental health needs of local public safety personnel.

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

Mental Health/Substance Use Disorder

Cal Cities supports the promulgation of policies and the use of resources to increase collaboration between first responders and health agencies for incidents involving people living with mental illness or experiencing substance use disorders.

Cal Cities supports resources for increased training and education for first responders to serve people living with mental illness or experiencing substance use disorders as well as increased multidisciplinary collaboration.

Cal Cities supports transparency relating to sustained findings of officer misconduct.

Cal Cities supports transparency and oversight relating to criminal investigations of officer misconduct.

Cal Cities supports the completion and disclosure of findings relating to officer misconduct despite their voluntary separation from the employing agency.

Police Use of Force

Cal Cities supports transparency on the part of law enforcement agencies regarding agencies' policies on the 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.

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.

Cal Cities opposes modifications to the legal standard on use of force; to the extent, such proposed changes elevate the safety risk to law enforcement officers. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.

Cal Cities opposes the limitation of law enforcement discretion to utilize less lethal tools for dispersing unruly or unlawful crowds.

Drones

Cal Cities supports policies that allow cities to impose reasonable time, place, and manner restrictions on the operation of drones in their jurisdictions.

Cal Cities supports policies that authorize local law enforcement to enforce state and local drone laws.

Cal Cities supports policies that promote the availability of information on state and local drone laws so that operators are aware of and accountable to local rules.

Cal Cities supports local agencies' ability to enact and enforce rules of general applicability, such as trespass, nuisance, or noise, in a manner that addresses unsafe drone operations.

Cal Cities supports the promotion of transparency to the public, and as technology permits, encourages local agencies to pursue the development and use of real-time drone tracking systems to ensure residents can look up the details of drones operating in a given area.

Cal Cities opposes state legislation or regulations that outright bans drones.

Cal Cities supports the establishment of governmental immunity for local jurisdictions that designate drone recreational areas, which notify the public that drones may be flying overhead, and that persons enter these designated areas at their own risk.

Fireworks

Cal Cities supports increased resources for local enforcement of illegal fireworks and aggressive interdiction efforts in collaboration with state agencies.

Wildland Urban Interface

Cal Cities supports activities to cooperate, coordinate, and communicate in the development of better land use policies and wildland fuel management programs to decrease impacts to public health and safety resulting from wildland urban interface fires.

Nuisance Abatement

Cal Cities supports enhanced local control over public nuisances including, but not limited to:

- Adult entertainment facilities;
- Problem alcohol establishments; and
- Properties where illegal drugs are sold.

Violence

Cal Cities supports the reduction of violence through strategies that address gang violence, domestic violence, youth access to tools of violence, including but not limited to firearms, knives, etc., and those outlined in the California Police Chiefs Policy Paper endorsed by Cal Cities Board of Directors.

Cal Cities supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Indian Gaming

Cal Cities supports the following principles that are intended to balance tribal self-reliance with the local government mandate to protect the public health and safety.

- Require an Indian Tribe that plans to construct or expand a casino or other related businesses to seek review and approval of the local jurisdiction for such improvements consistent with state law and local ordinances including the California Environmental Quality Act, with the Tribal government acting as the lead agency and with judicial review in the California courts.
- Require mitigation of off-reservation impacts consistent with environmental protection laws that are at least as stringent as those of the surrounding local community and CEQA.
- Require written agreements between tribes and affected local agencies to ensure tribes are subject to local authority related to the infrastructure needs and services outlined above.
- Require adequate compensation from the tribes to the local agency providing the government services that are required by the tribal casino or related businesses.
- Ensure compensation to local agencies from the Special Distribution Fund for off-reservation mitigation coupled with other sources to ensure adequate compensation.
- Require a judicially enforceable agreement between tribes and local jurisdictions on all of these issues before a new compact or an extended compact may become effective.
- Establish appropriate criteria and guidelines to address future compact negotiations.
- The Governor should establish and follow appropriate criteria to guide discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by the Indian Gaming Regulatory Act (25 U.S.C. § 2719).

Gaming

Cal Cities supports measures expanding local control over local gaming operations, including but not limited to management of the hours of operation and number of tables in an establishment, as an effective tool to enhance related local revenue streams. Cal Cities opposes as a restriction on those same revenue streams measures that would further restrict such local control, including but not limited to the extension of existing statewide gaming moratoriums.

Alcohol

Cal Cities supports policies that limit the ability of minors to engage in alcohol consumption, and limit youth access to alcoholic beverages, so long as related state-mandated programs or services provide for full reimbursement to all local agencies.

Cal Cities supports local policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority.

Cal Cities supports additional penalties for repeat driving under the influence (DUI) offenders that include, but are not limited to, permanent revocation of an individual's driver's license.

Cal Cities supports legislation and other regulations intended to improve local governments' enforcement capability against alcohol licensees that are in violation of state law and local ordinances.

Cal Cities supports the ability of bars and restaurants to operate expanded outdoor premises with local and state approval.

Cal Cities supports the sale of alcoholic beverages for off-sale consumption if the beverages are in manufacturer prepackaged containers with local and state approval.

Cannabis Regulation

Cal Cities regards as a vital interest the maintenance of local control over medical and adult use cannabis businesses, and supports measures that enhance and protect maximum local regulatory, land use, and enforcement authority in relation to such businesses.

Reaffirming that local control is paramount, Cal Cities holds that cities must retain the authority to regulate all medical and adult use cannabis businesses if the regulation relates to location, operation, or establishment to best suit the needs of the community.

Cal Cities affirms that revenue or other financial benefits from creating a statewide tax structure on medical cannabis should be considered only after the public safety and health ramifications are fully evaluated and addressed.

While the value of cannabis as a physical or mental health treatment option is uncertain, Cal Cities recognizes the need for proactive steps to mitigate the proliferation of unlawful medical cannabis businesses and other access points acting outside state or local regulation.

Cal Cities supports cannabis regulation only to the degree that any such regulatory structure preserves and upholds local control and the police power of local governments pursuant to Article XI, Section 7 of the California Constitution.

Cal Cities opposes policies that prohibit local law enforcement from cooperating with federal authorities on investigations into matters involving violations or other criminal activity by cannabis licensees, including but not limited to money laundering, sales to minors and diversion.

Graffiti

Cal Cities endorses the "Tag You Lose" anti-graffiti campaign and encourages other cities to implement this program into their existing anti-graffiti programs.

Cal Cities supports increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.

Sex Offender Management

Cal Cities supports policies that will assist local law enforcement with the comprehensive and collaborative management of sex offenders, including tools for tracking the location of sex offenders within local jurisdictions, so long as state-mandated programs provide for full reimbursement to all local agencies.

Corrections

Cal Cities supports constitutional protections for state funded corrections realignment programs, so long as it includes funding for local police department needs. Cal Cities also supports increasing city representation and participation on the Community Corrections Partnerships, who are charged with developing local corrections plans.

Firearms

Cal Cities recognizes that mental illness and firearms form a dangerous combination that threatens public safety. Consequently, Cal Cities supports policies that restrict persons with mental health disorders from possessing or owning a firearm. Cal Cities supports policies that ultimately allow such persons to petition for retrieval of their firearms.

Cal Cities supports local law enforcement agencies retaining the discretion to issue a concealed carry weapon permit, and thereby opposes policies that mandate the issuance of such permits.

Cal Cities supports the honoring of Gun Violence Restraining Orders (GVROs) that are issued by other states.

Miscellaneous

Cal Cities opposes reductions to city authority to regulate needle and syringe accessibility and exchange programs.

Cal Cities asks any company manufacturing or marketing or planning to manufacture or market colored-tread tires in California to voluntarily abandon such a product line and thereby prevent the public safety, environmental and social problems these tires can potentially cause.

Cal Cities warns those individuals who advocate or perpetrate hate, not to test the cities' resolve to oppose them as each city is encouraged to vigorously pursue a course of investigation, apprehension, prosecution, conviction, and incarceration of all those who participate in hate crimes.

Note: Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."



**Public Safety Policy Committee
Legislative Agenda
February 11, 2022**

Staff: Elisa Arcidiacono, Legislative Representative, (916) 658-8252

1. [AB 1597 \(Waldron\)](#) Shoplifting: Increased Penalties for Prior Crimes.

Overview:

This measure would reinstate a provision of law repealed by Proposition 47 that if a person has been convicted three or more times of petty theft, grand theft, or other specified crimes and is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 18 months or two or three years.

Bill Description:

Specifically, this measure would:

- Increase penalties for offenders with prior theft convictions.
- Submit the provisions of the bill that amend the initiative statute to the electors for their approval at the November 8, 2022, consolidated election.

Background:

The genesis of AB 1597:

The existing Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47 (2014), makes the theft of property that does not exceed \$950 in value petty theft, and makes that crime punishable as a misdemeanor, with certain exceptions. The initiative statute defines shoplifting as entering a commercial establishment with the intent to commit larceny while that establishment is open during regular hours, where the value of the property that is taken or intended to be taken does not exceed \$950. The initiative statute requires that shoplifting be punished as a misdemeanor.

Existing law, as amended by Proposition 47, provides that a registered sex offender or a person with a prior conviction for certain serious or violent felonies, such as a sexually violent offense, who commits petty theft, is subject to imprisonment in the county jail for up to one year or in the state prison for 16 months, or two or three years.

Fiscal Impact:

The bill would require the issue to be placed on the ballot with associated costs. Additionally, these changes may have impacts on the programs and services funded through "Proposition 47 savings" as incarceration costs may increase.

Existing Cal Cities Policy:

Cal Cities supports the promotion of public safety through stiffer penalties for violent offenders.

Cal Cities has existing policy relating only to metal theft specifically.

Staff Comments:

This bill addresses the issue of serial theft which has been impacting law enforcement resources and local businesses and economies. The potential for increased jail time may serve as the appropriate deterrent for repeat offenders.

Support

None on file at this time.

Opposition

None on file at this time.

Staff Recommendation:

Cal Cities staff recommends the committee discuss and make a recommendation to the Board of Directors.

Committee Recommendation:

Board Action:

2. [AB 1599 \(Kiley\)](#) Proposition 47: Repeal.

This measure would repeal the changes and additions made by Proposition 47, except those related to reducing the penalty for possession of concentrated cannabis.

Bill Description:

Specifically, this measure would:

- Strike all provision of Proposition 47 from statute, except for the reduction of penalties relating to the possession of cannabis; and
- Provide for the submission of this measure to the voters for approval at the next statewide general election.

Background:

The genesis of AB 1599:

California voters passed the Safe Neighborhoods and Schools Act in 2014. This citizen's initiative implemented broad changes to felony sentencing laws within California's criminal justice system. Under Proposition 47, for "shoplifting", a person would be charged with a misdemeanor if the value of the stolen property was less than \$950. It also reclassified certain "wobbler" crimes such as writing a bad check and forgery. Proposition 47 reclassified certain types of grand theft from felonies to misdemeanors. Examples include firearms and agricultural equipment worth less than \$950. It changed certain drug possession offenses from felonies to misdemeanors. Proposition 47 authorized defendants serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing. It authorized defendants to retroactively apply their new reclassified convictions to past sentences with the result being that their sentence was shortened or changed.

According to the author, "A 2018 report by the Public Policy Institute of California found that the passage of Proposition 47 directly correlated to the 9% uptick in larceny thefts throughout the state. The Times of San Diego declared that Proposition 47 has "bolstered" criminals engaging in these types of crimes because they know they will not be severely punished for their actions. Proposition 47 has wreaked havoc on our state since 2014. Increased crime negatively affects our communities, businesses, and most importantly, our constituents."

Fiscal Impact:

The bill would require the issue to be placed on the ballot with associated costs. Additionally, these changes will likely have impacts on the programs and services funded through "Prop 47 savings" as costs of incarceration will increase.

Existing Cal Cities Policy:

Cal Cities supports the promotion of public safety through stiffer penalties for violent offenders.

Cal Cities has existing policy relating only to metal theft specifically.

Staff Comments:

This bill takes a much more extreme position than Cal Cities has taken in the past. Proposition 20 (2020), which Cal Cities supported, would have increased penalties for serial theft and organized retail theft, changed the consideration process for early release under Proposition 57, and expanded DNA collection for misdemeanor offenses.

Support

None on file at this time.

Opposition

None on file at this time.

Staff Recommendation:

Cal Cities staff recommends the committee discuss and make a recommendation to the Board of Directors.

Committee Recommendation:

Board Action:

3. [AB 1603 \(Salas\)](#) Theft: Shoplifting: Amount.

Overview:

This measure would amend Proposition 47 by reducing the threshold amount for petty theft and shoplifting from \$950 to \$400.

Bill Description:

Specifically, this measure would:

- Reduces the threshold amount for petty theft and shoplifting from \$950 to \$400, back to its original threshold before the passage of Proposition 47 in 2014; and
- Place the issue back on the ballot for voter approval.

Background:

The genesis of AB 1603:

In 2014, California voters passed Proposition 47 which, among other things, lowered the crimes of certain thefts and receiving stolen property to misdemeanors when the value of the stolen goods was less than \$950. Proposition 47 more than doubled the amount a suspect can steal before facing a felony from \$450 to \$950.

According to the author, "Since its passage, California has experienced a brazen increase in widespread theft, including "smash-and-grab" robberies, which have terrorized cities throughout the state. Over the past year, the National Retail Security Survey report stated that about 69 percent of retailers said they had seen an increase in organized retail crime activity. The report also notes that retailers report that gangs have become more aggressive and violent than in years past. Some 65 percent of respondents noted the increase in violence, while 37 percent said organized retail crime gangs were much more aggressive than in the past. Additionally, California prosecutors state that numbers of thefts are likely underreported, as business owners are discouraged from filing reports since the penalty against criminals has been reduced to a misdemeanor, which usually does not result in any jail time."

Fiscal Impact:

The bill would require the issue to be placed on the ballot with associated costs. Additionally, these changes will likely have impacts on the programs and services funded through "Prop 47 savings" as costs of incarceration will increase.

Existing Cal Cities Policy:

Cal Cities supports the promotion of public safety through stiffer penalties for violent offenders.

Cal Cities has existing policy relating only to metal theft specifically.

Staff Comments:

This bill lowers the threshold for felony filing of charges for petty theft and shoplifting based on the dollar amount; however, this does not address the issue of serial theft would arguably be a more efficient change for our law enforcement partners. It could be beneficial in addressing some issues.

Support

None on file at this time.

Opposition

None on file at this time.

Staff Recommendation:

Cal Cities staff recommends the committee discuss and make a recommendation to the Board of Directors.

Committee Recommendation:

Board Action: