



Staff Report

TO: City Council
FROM: Sean Thuilliez, Chief of Police
DATE: March 16, 2021
SUBJECT: Law Enforcement Legislative Update 2021

Background and Analysis:

Overview of Legislative Priorities

The California Police Chief's Association (CPCA), will continue to focus on turning their June 2020 CPCA Platform CA Leading the Way, into policy as the focus of its legislative priorities for the year. They support efforts that will help resolve the socio-economic and racial divides throughout the country using a holistic approach that incorporates equal education, mental health services, substance abuse treatment, rehabilitation and re-entry services, housing, and vocational opportunities that must be adopted in tandem.

CPCA will also be sponsoring legislative that will create a framework for changing California's approach to recruiting and educating the next generation of peace officers.

Recruitment and Education:

Sponsor legislation jointly with Peace Officers Research Association of California (PORAC) that will recruit intelligent, measured, and diverse officers who are representative of their local communities. Prepare the next generation of public safety professionals to meet the needs, requirements, and expectations of modern policing. Provide a pathway to higher education for qualified candidates who commit to serving their communities as law enforcement professionals.

Protests and First Amendment Protections:

CPCA supports the development of policies to facilitate free and lawful expression, de-escalate violence and resolve conflict peacefully with the overall goal of ensuring public safety and protecting First Amendment rights of free speech and assembly.

Officer Decertification and Officer Accountability:

CPCA supports officer decertification under specific conditions that will improve the ability for California to ensure that bad cops can no longer work in law enforcement and will work with partners to promote legislation in this area. CPCA supports tracking information related to officers that resign in lieu of discipline or termination, or those with multiple sustained complaints/violations.

Officer Involved Shooting Criminal Investigations:

CPCA supports creating statewide standards for conducting criminal investigations into officer involved shooting incidents that include creating memorandums of understanding with neighboring agencies or the District Attorney's office, county wide task force models, and other requirements should the employing agency choose to conduct the investigation.

Transparency:

CPCA continues to support the public release of police personnel files for serious use of force resulting in death or great bodily injury, sexual assault, and job-related dishonesty. Expansion of existing law should be balanced with consideration for the economic crisis cities are facing today and should avoid creating new civil fines that unfairly penalize local governments.

Peace Officer Mental Health and Wellness:

CPCA supports funding for programs to improve peace officers' mental health and wellness and supports regular mandatory mental health and wellness checks for peace officers. CPCA also supports prioritizing funding for programs and best practices that have been effective in improving officer resiliency and health.

Training:

CPCA supports mandated and regular implicit and racial bias training for all law enforcement, de-escalation training that focuses on alternatives to deadly force and changes in overall training that focus more on cultural and community awareness.

Mental Health:

CPCA supports improving law enforcement response to those in crisis – individuals with severe mental illness and substance abuse disorders. Police are not always the appropriate response and CPCA supports having police look to service providers in many of these cases or respond using highly trained co-deployment teams with capabilities that match the need.

Substance Abuse:

CPCA supports efforts to mandate drug treatment for individuals suffering from substance abuse disorders. CPCA also supports rehabilitative and re-entry programs.

Education:

CPCA supports efforts to close educational achievement gaps by increasing resources to areas historically disadvantaged and increase access to vocational training and job opportunities, including careers in public safety.

Housing:

CPCA supports access to fair housing, which will create core stability for those in need and help reduce the homeless population.

Miscellaneous Law Enforcement Bills on Watch Status:

AB 17 and 60 – Peace Officer Disqualification from employment if committed a crime in the military which would have been a felony in CA (watch)

AB 26 – Peace Officer Use of Force – immediately report excessive force and intercede when present – (oppose)

AB 48 – Kinetic energy projectiles and chemical agents – prohibit use to disperse any assembly, protest, or demonstration (oppose)

AB 89 – minimum qualifications – would increase minimum age to 25 years to be a police officer unless person has a BA or advanced degree (oppose)

SB 2 – Add decertification process for peace officers to the Tom Bane Civil Rights Act (watch)

SB 16 – Release of police officer records – records related to uses of force subject to disclosure (oppose)

SB 387 – certification, education, and recruitment – POST and Cal States would develop a list of courses to include as requirements for obtaining a basic certificate (sponsor)

Fiscal Impact:

City staff estimates it cost approximately \$295 to prepare this report.

Recommended Action:

Receive and file.