



## ***POST Commission Meeting – Legislative Update & Bills of Interest***

***October 2019***

The 2019 Legislative session is over. All legislation passed through their respective house and to the Governor for signature on September 13. The Governor had until October 13 to sign or veto any bills. Because this is a two-year legislative session, bills that “died” in 2019 could be seen again in 2020.

Below is an update on the legislation POST has been monitoring as of October 9, 2019:

***AB 165 (Gabriel): Peace officer training: gun violence restraining orders.***

This bill would require the commission to develop and implement, on or before January 1, 2021, a course of training regarding gun violence restraining orders. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers, on or before January 1, 2021, and would require the course or courses to include specified topics, including the process of filing a petition for gun violence restraining orders and situational training to assist officers in identifying when a gun violence restraining order is appropriate. The bill would authorize law enforcement officers, administrators, and executives to participate in supplementary training that includes these topics.

***STATUS: Bill was held in Senate Appropriations and died. May be acted upon in January 2020.***

***AB 243 (Kamlager-Dove): Implicit bias training: peace officers***

Current law requires every peace officer to participate in expanded training prescribed by the Commission on Peace Officer Standards and Training that includes and examines evidence-based patterns, practices, and protocols that make up racial and ABidentity profiling, including implicit bias. Once basic training is completed, current law requires specified peace officers to complete a refresher course on racial and identity profiling at least every 5 years. This bill would require those peace officers currently required to take the refresher course every 5 years, and additional peace officers, as specified, to instead take refresher training on racial and identity profiling, including the understanding of implicit bias and the promotion of bias-reducing strategies, at least every 2 years. The bill would require this training to include implicit association testing before and after the training.

***STATUS: Bill was held in Senate Appropriations and died. May be acted upon in January 2020.***



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### **AB 332 (Lackey): Peace Officers: training**

Would require the Commission on Peace Officer Standards and Training, on or before April 1, 2021, to submit a report to the Legislature and Governor with specified data relating to students' completion of training at academies for peace officers and the availability of remedial training, including, among other things, the number of students who received one or more opportunities for remedial training for a learning domain. The bill would also require the report to include, among other things, a review of academies' practices regarding training remediation and a discussion of whether the commission finds that minimum standards for an appropriate level of remedial training should be established.

***STATUS: Bill was signed by Governor on 8/30/2019.***

### **AB 392 (Weber): Peace officers: deadly force**

Would redefine the circumstances under which a homicide by a peace officer is deemed justifiable to include when the killing is in self-defense or the defense of another, consistent with the existing legal standard for self-defense, or when the killing is necessary to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury. The bill would additionally bar the use of this defense if the peace officer acted in a criminally negligent manner that caused the death, including if the officer's criminally negligent actions created the necessity for the use of deadly force.

***Status: Bill was signed by Governor on 8/19/2019.***

### **AB 680 (Chu): Public Safety Dispatchers: mental health training**

This bill would require the commission, on or before January 1, 2021, to develop mental health training courses for local public safety dispatchers, incorporated in the dispatchers' basic training course and as a continuing training course, that cover specified topics, including recognizing indicators of mental illness, intellectual disabilities, or substance use disorders, and conflict resolution and de-escalation techniques. The bill would require the commission to develop these courses in consultation with specified groups and individuals.

***STATUS: Bill was held in Senate Appropriations and died. May be acted upon in January 2020***



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### **AB 720 (Muratsuchi): Community colleges: funding: instructional service agreements with public safety agencies.**

Current law provides a separate formula for the allocation of apportionments of state funds to community colleges, which uses the numbers of full-time equivalent students as its basis, for use for apportionments for noncredit instruction and instruction in career development and college preparation. This bill would provide that instruction by community college districts under instructional service agreements with public safety agencies, as defined, would be funded under the apportionment formula used for instruction in career development and college preparation.

***STATUS: Bill was held in Senate Appropriations and died. May be acted upon in January 2020***

### **AB 837 (Holden): Peace officers: training: hate crimes**

Would require each local law enforcement agency to require peace officers to attend periodic training in the investigation of hate crimes, using the most recent POST training materials, and would authorize each agency to make the training culturally relevant to the community served by that agency. The bill would require POST to develop guidelines and establish standards for the frequency of that periodic training.

***STATUS: Bill was held in committee and died. May be acted upon in January 2020.***

### **AB 1052 (Chu): Peace officer training: hate crimes**

This bill would require the basic course curriculum on the topic of hate crimes to include the viewing of a specified video course developed by POST. The bill would also require POST to make the video available via the online learning portal, and would require all peace officers to view the video no later than January 1, 2021. The bill would require POST to develop and periodically update an interactive refresher course on hate crimes for in-service peace officers, and require officers to take the course every 3 years.

***STATUS: Bill was held in Senate Appropriations and died. May be acted upon in January 2020.***

### **AB 1170 (Frazier): Peace officer trainings: intellectual and developmental disabilities**

Current law requires the Commission on Peace Officer Standards and Training to establish a continuing education classroom training course related to law enforcement interaction with mentally disabled persons and to make the course available to law enforcement agencies in California. This bill would require the commission, on or before January 1, 2021, and in consultation with the State Department of Developmental Services, the State Council on Developmental Disabilities, and representatives of community colleges, to incorporate in-person training provided by individuals with intellectual and developmental disabilities into that training course.

***STATUS: Bill was held in committee and died. May be acted upon in January 2020.***



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### **AB 1185 (McCarty): Officer oversight: sheriff oversight board.**

This bill would authorize a county to establish a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents. The bill would authorize a sheriff oversight board to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board. The bill would authorize a county to establish an office of the inspector general to assist the board with its supervisory duties, as provided.

***STATUS: Ordered to inactive file at the request of Senator Mitchell.***

### **AB 1653 (Frazier): Missing or Murdered Indigenous Women Task Force**

The bill would require [in addition to other items] the Commission on Peace Officer Standards and Training, in consultation with the task force [established in this bill], to prepare and distribute to law enforcement agencies in the state guidelines and uniform procedures for the reporting and investigation of missing and murdered indigenous persons, as specified, and establish training programs for law enforcement personnel regarding the conduct of investigations into missing and murdered-American Indian persons.

***STATUS: Bill was held in committee and died. May be acted upon in January 2020.***

### **SB 230 (Caballero): Law enforcement. Use of deadly force: training: policies.**

This bill would, by no later than January 1, 2021, require each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. This bill would require the commission to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force. Additionally, the bill would require the commission to develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for the use of force, as specified. The bill would require law enforcement agencies to adopt and promulgate a use of force policy and would state the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with the agency's policy that complies with the guidelines developed under this bill.

***STATUS: Bill was signed by Governor on 9/12/19.***



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### **SB 273 (Rubio): Domestic Violence**

This bill would authorize prosecution for that crime to be commenced within ~~5~~ years under certain circumstances, including if the state becomes aware of an audio or video recording, photographs, or a written or electronic communication that provides evidence sufficient to charge the perpetrator or if the perpetrator confesses to the offense. The bill would apply to crimes that are committed on or after January 1, 2020, and to crimes for which the statute of limitations that was in effect prior to January 1, 2020, has not run as of January 1, 2020.

Existing law requires the Commission on Peace Officer Standards and Training to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence.

For POST, this bill would add sections to Penal Code 13519 and specify that the course or courses of instruction and domestic violence guidelines include specific information as well as subject matter experts when developing new curriculum. This bill also adds specific techniques for handling domestic violence incidents into the basic training instruction such as ensuring victim interviews occur in a venue separate from the alleged perpetrator, de-escalation techniques, and specified questions for victims.

***STATUS: Bill was signed by Governor on 10/7/19.***

### **SB 399 (Atkins): Commission on Peace Officer Standards and Training**

This bill adds two additional members to the Commission on Peace Officer Standards and Training (POST). Penal Code section 13500 currently dictates the Commission consist of 15 members appointed by the Governor. This bill proposes adding one new member appointed by the Senate pro Tempore, and one new member appointed by the Speaker of the Assembly, bringing the total to 17 members. This bill further requires that neither of these appointees would be a peace officer and would have to demonstrate expertise in one of the following areas: implicit and explicit bias, cultural competency, mental health and policing or work with vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

***STATUS: Bill was signed by Governor on 10/8/19.***

### **SB 781 (Committee on Public Safety) Public Safety Omnibus**

This bill contains two items that pertain to POST.

1. Provides clean-up language to background process here at POST. (GC 1031.1)
2. Provides clean-up language to allow those in the academy to use rifles for training purposes. (PC 30625) ***(Removed on 7/2)***

***STATUS: Approved by Governor on 9/5. Chaptered by Secretary of State. Chapter 256, Statutes of 2019. Only one of two of our requested items were approved.***