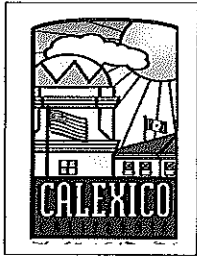


AGENDA  
ITEM

16



# AGENDA STAFF REPORT

DATE: May 5, 2021

TO: Mayor and City Council

APPROVED BY: Miguel Figueroa, City Manager *MV*

PREPARED BY: Carlos Campos, City Attorney

SUBJECT: Support for California Senate Bill 2

=====

## Recommendation by Council Members Gloria G. Romo and Raul Urena:

It is recommended that the City Council consider preparing and authorizing the Mayor to sign a letter of support for California Senate Bill 2 (Wiener) *Peace officers: certification: civil rights*

## Discussion:

Under existing law, the Tom Bane Civil Rights Act ("Act"), if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Existing law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000.

Senate Bill ("SB") 2 would provide that a threat, intimidation, or coercion under the Act may be inherent in any interference with a civil right and would describe intentional acts for these purposes as an act in which the person acted with general intent or a conscious objective to engage in particular conduct. The bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act. The bill would also authorize specified persons to bring an action under the act for the death of a person.

<p><b>AGENDA ITEM</b></p> <p><b>16</b></p>
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Existing law defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers including the completion of a basic training course. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.

SB 2 would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill would also disqualify any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has surrendered that certification or had that certification revoked by the commission, or has been denied certification. The bill would disqualify any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the national decertification index or who engaged in serious misconduct that would have resulted in their certification being revoked in this state. The bill would require a law enforcement agency employing certain peace officers to employ only individuals with a current, valid certification or pending certification.

Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. Existing law authorizes the commission to establish 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. Existing law authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.

SB 2 would grant the commission the power to investigate and determine the fitness of any person to serve as a peace officer in the state. The bill would direct the commission to issue or deny certification, which includes a basic certificate or proof of eligibility, to a peace officer in accordance with specified criteria. The bill would require the commission to issue a proof of eligibility or basic certificate, as specified, to certain persons employed as a peace officer on January 1, 2022, who do not otherwise possess a certificate. The bill would require a proof of eligibility or basic certificate to be renewed at least every 2 years and would require the commission to assess a fee for the application and renewal of the certificate or proof of eligibility, as well as an annual certification fee. The bill would require the fees to be deposited into the Peace Officer Certification Fund, created by the bill, and would continuously appropriate those funds to the commission for the administration of the certification program, as specified, thereby making an appropriation. The bill would declare certificates or proof of eligibility

awarded by the commission to be property of the commission and would authorize the commission to revoke a proof of eligibility or certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, or participating in a law enforcement gang.

The bill would create the Peace Officer Standards Accountability Division within the commission to investigate and prosecute proceedings to take action against a peace officer's certification. The bill would require the division to review and investigate grounds for decertification and make findings as to whether grounds for action against an officer's certification exist. The bill would require the division to notify the officer subject to decertification of their findings and allow the officer to request review. The bill would also create the Peace Officer Standards Accountability Advisory Board with 9 members to be appointed. The bill would require the board to hold public meetings to review the findings after an investigation made by the division and to make a recommendation to the commission. The bill would require the commission to adopt the recommendation of the board if supported by clear and convincing evidence and, if action is to be taken against an officer's certification, return the determination to the division to commence formal proceedings consistent with the Administrative Procedures Act. The bill would require the commission to notify the employing agency and the district attorney of the county in which the officer is employed of this determination, as specified.

The bill would make all records related to the revocation of a peace officer's certification public and would require that records of an investigation be retained for 30 years.

The bill would require an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification.

In case of a separation from employment or appointment, the bill would require each agency to execute an affidavit-of-separation form adopted by the commission describing the reason for separation. The bill would require the affidavit to be signed under penalty of perjury.

**Attachment:**

1. Text of SB 2

AMENDED IN SENATE MARCH 11, 2021

SENATE BILL

No. 2

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Introduced by Senators Bradford and Atkins

(Principal coauthor: Senator Wiener)

(Principal coauthors: Assembly Members Bonta, Cristina Garcia,  
McCarty, and Quirk)

(Coauthor: Senator Durazo)

(Coauthor: Assembly Member Holden)

December 7, 2020

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~~An act relating to public employment.~~ *An act to amend Section 52.1 of the Civil Code, to amend Section 1029 of the Government Code, and to amend Sections 832.7, 13503, 13506, 13510, 13510.1, and 13512 of, to amend the heading of Article 2 (commencing with Section 13510) of Chapter 1 of Title 4 of Part 4 of, and to add Sections 13509.5, 13509.6, 13510.15, 13510.8, 13510.85, and 13510.9 to, the Penal Code, relating to public employment, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 2, as amended, Bradford. Peace officers: certification: civil rights.

(1) *Under existing law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or*

*enjoyment of the right or rights secured. Existing law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000.*

*This bill would provide that a threat, intimidation, or coercion under the act may be inherent in any interference with a civil right and would describe intentional acts for these purposes as an act in which the person acted with general intent or a conscious objective to engage in particular conduct.*

*The bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act. The bill would also authorize specified persons to bring an action under the act for the death of a person.*

*(2) Existing laws defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers including the completion of a basic training course, as specified. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.*

*This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill would also disqualify any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has surrendered that certification or had that certification revoked by the commission, or has been denied certification. The bill would disqualify any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the national decertification index or who engaged in serious misconduct that would have resulted in their certification being revoked in this state. The bill would require a law enforcement agency employing certain peace officers to employ only individuals with a current, valid certification or pending certification.*

*(3) Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and*

*curriculum. Existing law authorizes the commission to establish 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. Existing law authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.*

*This bill would grant the commission the power to investigate and determine the fitness of any person to serve as a peace officer in the state. The bill would direct the commission to issue or deny certification, which includes a basic certificate or proof of eligibility, to a peace officer in accordance with specified criteria. The bill would require the commission to issue a proof of eligibility or basic certificate, as specified, to certain persons employed as a peace officer on January 1, 2022, who do not otherwise possess a certificate. The bill would require a proof of eligibility or basic certificate to be renewed at least every 2 years and would require the commission to assess a fee for the application and renewal of the certificate or proof of eligibility, as well as an annual certification fee. The bill would require the fees to be deposited into the Peace Officer Certification Fund, created by the bill, and would continuously appropriate those funds to the commission for the administration of the certification program, as specified, thereby making an appropriation. The bill would declare certificates or proof of eligibility awarded by the commission to be property of the commission and would authorize the commission to revoke a proof of eligibility or certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, or participating in a law enforcement gang, as defined.*

*The bill would create the Peace Officer Standards Accountability Division within the commission to investigate and prosecute proceedings to take action against a peace officer's certification. The bill would require the division to review and investigate grounds for decertification and make findings as to whether grounds for action against an officer's certification exist. The bill would require the division to notify the officer subject to decertification of their findings and allow the officer to request review. The bill would also create the Peace Officer Standards*

*Accountability Advisory Board with 9 members to be appointed as specified. The bill would require the board to hold public meetings to review the findings after an investigation made by the division and to make a recommendation to the commission. The bill would require the commission to adopt the recommendation of the board if supported by clear and convincing evidence and, if action is to be taken against an officer's certification, return the determination to the division to commence formal proceedings consistent with the Administrative Procedures Act. The bill would require the commission to notify the employing agency and the district attorney of the county in which the officer is employed of this determination, as specified.*

*The bill would make all records related to the revocation of a peace officer's certification public and would require that records of an investigation be retained for 30 years.*

*The bill would require an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification.*

*In case of a separation from employment or appointment, the bill would require each agency to execute an affidavit-of-separation form adopted by the commission describing the reason for separation. The bill would require the affidavit to be signed under penalty of perjury. By creating a new crime, this bill would impose a state-mandated local program.*

*The bill would require the board to report annually on the activities of the division, board, and commission, relating to the certification program, including the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked.*

*By imposing new requirements on local agencies, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law, the Tom Bane Civil Rights Act, authorizes a civil action to be brought against a person who, whether or not acting under color of law, interferes with the exercise of another’s constitutional and legal rights. Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. Existing law authorizes the commission to establish a professional certificate program that awards 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. Existing law authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.~~

~~This bill would state the intent of the Legislature to enact legislation amending the Tom Bane Civil Rights Act and to provide a decertification process for peace officers.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *This act shall be known as the Kenneth Ross Jr.*
- 2     *Police Decertification Act of 2021.*
- 3     SEC. 2. *The Legislature finds and declares all of the following:*
- 4     (a) *As the Legislature and courts of this state have repeatedly*
- 5     *recognized, police officers, sheriffs’ deputies, and other peace*
- 6     *officers hold extraordinary powers to detain, to search, to arrest,*
- 7     *and to use force, including deadly force. The state has a*
- 8     *correspondingly strong interest in ensuring that peace officers do*
- 9     *not abuse their authority, including by ensuring that individual*
- 10    *peace officers who abuse their authority are held accountable.*
- 11    (b) *California is one of the last few states that does not have a*
- 12    *process for revoking peace officer certificates as a result of*
- 13    *misconduct. Nationwide, 45 states have the authority to decertify*

1 *peace officers. Four states do not have decertification authority:*  
2 *California, Hawaii, New Jersey, and Rhode Island.*

3 *(c) In 2017, 172 Californians were killed by the police, and our*  
4 *state's police departments have some of the highest rates of killings*  
5 *in the nation. Of the unarmed people California police killed, three*  
6 *out of four were people of color. Black and Latino families and*  
7 *communities of color are disproportionately vulnerable to police*  
8 *violence, creating generations of individual and community trauma.*

9 *(d) More than 200 professions and trades, including doctors,*  
10 *lawyers, and contractors are licensed or certified by the State of*  
11 *California, in order to maintain professional standards and to*  
12 *protect the public. Law enforcement officers are entrusted with*  
13 *extraordinary powers including the power to carry a firearm, to*  
14 *stop and search, to arrest, and to use force. They must be held to*  
15 *the highest standards of accountability, and the state should ensure*  
16 *that officers who abuse their authority by committing serious or*  
17 *repeated misconduct, or otherwise demonstrate a lack of fitness*  
18 *to serve as peace officers, are removed from the streets.*

19 *(e) To ensure public trust that the system for decertification will*  
20 *hold peace officers accountable for misconduct and that*  
21 *California's standards for law enforcement reflect community*  
22 *values, it is the intent of the Legislature that the entities charged*  
23 *with investigating and rendering decisions on decertification shall*  
24 *be under independent civilian control and maintain independence*  
25 *from law enforcement.*

26 *(f) Civil courts provide a vital avenue for individuals harmed*  
27 *by violations of the law by peace officers to find redress and*  
28 *accountability. But the judicially created doctrine of qualified*  
29 *immunity in federal courts, and broad interpretations of California*  
30 *law immunities and restrictive views on the cause of action under*  
31 *the Tom Bane Civil Rights Act, too often lead to officers escaping*  
32 *accountability in civil courts, even when they have broken the law*  
33 *or violated the rights of members of the public. The civil court*  
34 *process should ensure that peace officers are treated fairly, but*  
35 *that they can be held accountable for violations of the law that*  
36 *harm others, especially the use of excessive force.*

37 *SEC. 3. Section 52.1 of the Civil Code is amended to read:*

38 *52.1. (a) This section shall be known, and may be cited, as the*  
39 *Tom Bane Civil Rights Act.*

1 (b) (1) If a person or persons, whether or not acting under color  
2 of law, interferes by threat, intimidation, or coercion, or attempts  
3 to interfere by threat, intimidation, or coercion, with the exercise  
4 or enjoyment by any individual or individuals of rights secured by  
5 the Constitution or laws of the United States, or of the rights  
6 secured by the Constitution or laws of this state, the Attorney  
7 General, or any district attorney or city attorney may bring a civil  
8 action for injunctive and other appropriate equitable relief in the  
9 name of the people of the State of California, in order to protect  
10 the peaceable exercise or enjoyment of the right or rights secured.  
11 An action brought by the Attorney General, any district attorney,  
12 or any city attorney may also seek a civil penalty of twenty-five  
13 thousand dollars (\$25,000). If this civil penalty is requested, it  
14 shall be assessed individually against each person who is  
15 determined to have violated this section and the penalty shall be  
16 awarded to each individual whose rights under this section are  
17 determined to have been violated.

18 (2) *The threat, intimidation, or coercion required under this*  
19 *section need not be separate or independent from, and may be*  
20 *inherent in, any interference or attempted interference with a right.*  
21 *A person bringing suit under this section need not prove that a*  
22 *person being sued under this section had specific intent to interfere*  
23 *or attempt to interfere with a right secured by the Constitution or*  
24 *law. For any person, public entity, or private entity sued under*  
25 *this section, intentional conduct to interfere or attempt to interfere*  
26 *with a constitutional right or right granted by law or deliberate*  
27 *indifference or reckless disregard for a constitutional right or*  
28 *right granted by law that interferes or attempts to interfere with*  
29 *that right, is sufficient to prove a violation of this section by threat,*  
30 *intimidation, or coercion. For purposes of this section, a person*  
31 *acts "intentionally" when the person acts with general intent or*  
32 *a conscious objective to engage in particular conduct.*

33 (c) (1) Any individual whose exercise or enjoyment of rights  
34 secured by the Constitution or laws of the United States, or of  
35 rights secured by the Constitution or laws of this state, has been  
36 interfered with, or attempted to be interfered with, as described in  
37 subdivision (a); (b), may institute and prosecute in ~~his or her~~ *their*  
38 own name and on ~~his or her~~ *their* own behalf a civil action for  
39 damages, including, but not limited to, damages under Section 52,  
40 injunctive relief, and other appropriate equitable relief to protect

1 the peaceable exercise or enjoyment of the right or rights secured,  
2 including appropriate equitable and declaratory relief to eliminate  
3 a pattern or practice of conduct as described in subdivision ~~(a)~~.  
4 ~~(b)~~.

5 *(2) A cause of action under this section for the death of a person*  
6 *may be asserted by any person described in Section 377.60 of the*  
7 *Code of Civil Procedure.*

8 (d) An action brought pursuant to subdivision ~~(a)~~ ~~(b)~~ or ~~(b)~~ ~~(c)~~  
9 may be filed either in the superior court for the county in which  
10 the conduct complained of occurred or in the superior court for  
11 the county in which a person whose conduct complained of resides  
12 or has his or her *their* place of business. An action brought by the  
13 Attorney General pursuant to subdivision ~~(a)~~ ~~(b)~~ also may be filed  
14 in the superior court for any county wherein the Attorney General  
15 has an office, and in that case, the jurisdiction of the court shall  
16 extend throughout the state.

17 (e) If a court issues a temporary restraining order or a  
18 preliminary or permanent injunction in an action brought pursuant  
19 to subdivision ~~(a)~~ ~~(b)~~ or ~~(b)~~, ~~(c)~~, ordering a defendant to refrain  
20 from conduct or activities, the order issued shall include the  
21 following statement: VIOLATION OF THIS ORDER IS A CRIME  
22 PUNISHABLE UNDER SECTION 422.77 OF THE PENAL  
23 CODE.

24 (f) The court shall order the plaintiff or the attorney for the  
25 plaintiff to deliver, or the clerk of the court to mail, two copies of  
26 any order, extension, modification, or termination thereof granted  
27 pursuant to this section, by the close of the business day on which  
28 the order, extension, modification, or termination was granted, to  
29 each local law enforcement agency having jurisdiction over the  
30 residence of the plaintiff and any other locations where the court  
31 determines that acts of violence against the plaintiff are likely to  
32 occur. Those local law enforcement agencies shall be designated  
33 by the plaintiff or the attorney for the plaintiff. Each appropriate  
34 law enforcement agency receiving any order, extension, or  
35 modification of any order issued pursuant to this section shall serve  
36 forthwith one copy thereof upon the defendant. Each appropriate  
37 law enforcement agency shall provide to any law enforcement  
38 officer responding to the scene of reported violence, information  
39 as to the existence of, terms, and current status of, any order issued  
40 pursuant to this section.

1 (g) A court shall not have jurisdiction to issue an order or  
2 injunction under this section, if that order or injunction would be  
3 prohibited under Section 527.3 of the Code of Civil Procedure.

4 (h) An action brought pursuant to this section is independent of  
5 any other action, remedy, or procedure that may be available to  
6 an aggrieved individual under any other provision of law,  
7 including, but not limited to, an action, remedy, or procedure  
8 brought pursuant to Section 51.7.

9 (i) In addition to any damages, injunction, or other equitable  
10 relief awarded in an action brought pursuant to subdivision ~~(b)~~;  
11 *(c)*, the court may award the petitioner or plaintiff reasonable  
12 attorney's fees.

13 (j) A violation of an order described in subdivision ~~(d)~~ *(e)* may  
14 be punished either by prosecution under Section 422.77 of the  
15 Penal Code, or by a proceeding for contempt brought pursuant to  
16 Title 5 (commencing with Section 1209) of Part 3 of the Code of  
17 Civil Procedure. However, in any proceeding pursuant to the Code  
18 of Civil Procedure, if it is determined that the person proceeded  
19 against is guilty of the contempt charged, in addition to any other  
20 relief, a fine may be imposed not exceeding one thousand dollars  
21 (\$1,000), or the person may be ordered imprisoned in a county jail  
22 not exceeding six months, or the court may order both the  
23 imprisonment and fine.

24 (k) Speech alone is not sufficient to support an action brought  
25 pursuant to subdivision ~~(a)~~ *(b)* or ~~(b)~~ *(c)*, except upon a showing  
26 that the speech itself threatens violence against a specific person  
27 or group of persons; and the person or group of persons against  
28 whom the threat is directed reasonably fears that, because of the  
29 speech, violence will be committed against them or their property  
30 and that the person threatening violence had the apparent ability  
31 to carry out the threat.

32 (l) No order issued in any proceeding brought pursuant to  
33 subdivision ~~(a)~~ *(b)* or ~~(b)~~ *(c)* shall restrict the content of any  
34 person's speech. An order restricting the time, place, or manner  
35 of any person's speech shall do so only to the extent reasonably  
36 necessary to protect the peaceable exercise or enjoyment of  
37 constitutional or statutory rights, consistent with the constitutional  
38 rights of the person sought to be enjoined.

1 (m) The rights, penalties, remedies, forums, and procedures of  
2 this section shall not be waived by contract except as provided in  
3 Section 51.7.

4 (n) *The state immunity provisions provided in Sections 821.6,*  
5 *844.6, and 845.6 of the Government Code shall not apply to any*  
6 *cause of action brought against any peace officer or custodial*  
7 *officer; or directly against a public entity that employs a peace*  
8 *officer or custodial officer; under this section.*

9 (o) *Sections 825, 825.2, 825.4, and 825.6 of the Government*  
10 *Code, providing for indemnification of an employee or former*  
11 *employee of a public entity, shall apply to any cause of action*  
12 *brought under this section against an employee or former employee*  
13 *of a public entity.*

14 SEC. 4. *Section 1029 of the Government Code is amended to*  
15 *read:*

16 1029. (a) Except as provided in subdivision (b), (c), (d), or  
17 ~~(d)~~, (e), each of the following persons is disqualified from holding  
18 office as a peace officer or being employed as a peace officer of  
19 the state, county, city, city and county or other political subdivision,  
20 whether with or without compensation, and is disqualified from  
21 any office or employment by the state, county, city, city and county  
22 or other political subdivision, whether with or without  
23 compensation, which confers upon the holder or employee the  
24 powers and duties of a peace officer:

25 (1) Any person who has been convicted of a felony.

26 (2) Any person who has been convicted of any offense in any  
27 other jurisdiction which would have been a felony if committed  
28 in this state.

29 (3) *Any person who has been discharged from the military for*  
30 *committing an offense, as adjudicated by a military tribunal, which*  
31 *would have been a felony if committed in this state.*

32 ~~(3)~~

33 (4) Any person who, after January 1, 2004, has been convicted  
34 of a crime based upon a verdict or finding of guilt of a felony by  
35 the trier of fact, or upon the entry of a plea of guilty or nolo  
36 contendere to a felony. This paragraph ~~shall apply~~ *applies*  
37 regardless of whether, pursuant to subdivision (b) of Section 17  
38 of the Penal Code, the court declares the offense to be a  
39 misdemeanor or the offense becomes a misdemeanor by operation  
40 of law.

1     ~~(4)~~

2     (5) Any person who has been charged with a felony and  
3 adjudged by a superior court to be mentally incompetent under  
4 Chapter 6 (commencing with Section 1367) of Title 10 of Part 2  
5 of the Penal Code.

6     ~~(5)~~

7     (6) Any person who has been found not guilty by reason of  
8 insanity of any felony.

9     ~~(6)~~

10    (7) Any person who has been determined to be a mentally  
11 disordered sex offender pursuant to Article 1 (commencing with  
12 Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare  
13 and Institutions Code.

14    ~~(7)~~

15    (8) Any person adjudged addicted or in danger of becoming  
16 addicted to narcotics, convicted, and committed to a state institution  
17 as provided in Section 3051 of the Welfare and Institutions Code.

18    (9) *Any person who has been convicted of, or adjudicated*  
19 *through an administrative, military, or civil judicial process,*  
20 *including a hearing that meets the requirements of the*  
21 *administrative adjudication provisions of the Administrative*  
22 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*  
23 *Part 1 of Division 3 of Title 2 of the Government Code), as having*  
24 *committed, any act that is a violation of Section 115, 115.3, 116,*  
25 *116.5, or 117 of, or of any offense described in Chapter 1*  
26 *(commencing with Section 92), Chapter 5 (commencing with*  
27 *Section 118), Chapter 6 (commencing with Section 132), or*  
28 *Chapter 7 (commencing with Section 142) of Title 7 of Part 1 of*  
29 *the Penal Code, including any act committed in another jurisdiction*  
30 *that would have been a violation of any of those sections if*  
31 *committed in this state.*

32    (10) *Any person who has been issued the certification described*  
33 *in Section 13510.1 of the Penal Code, and has had that certification*  
34 *revoked by the Commission on Peace Officer Standards and*  
35 *Training, has voluntarily surrendered that certification pursuant*  
36 *to subdivision (f) of Section 13510.8, or having met the minimum*  
37 *requirement for issuance of certification, has been denied issuance*  
38 *of certification.*

39    (11) *Any person previously employed in law enforcement in any*  
40 *state or United States territory or by the federal government, whose*

1 *name is listed in the National Decertification Index of the*  
2 *International Association of Directors of Law Enforcement*  
3 *Standards and Training or whose certification as a law*  
4 *enforcement officer in that jurisdiction was revoked for misconduct,*  
5 *or who, while employed as a law enforcement officer; engaged in*  
6 *serious misconduct that would have resulted in their certification*  
7 *being revoked by the commission if employed as a peace officer*  
8 *in this state.*

9 (b) (1) A plea of guilty to a felony pursuant to a deferred entry  
10 of judgment program as set forth in Sections 1000 to 1000.4,  
11 inclusive, of the Penal Code shall not alone disqualify a person  
12 from being a peace officer unless a judgment of guilty is entered  
13 pursuant to Section 1000.3 of the Penal Code.

14 (2) A person who pleads guilty or nolo contendere to, or who  
15 is found guilty by a trier of fact of, an alternate felony-misdemeanor  
16 drug possession offense and successfully completes a program of  
17 probation pursuant to Section 1210.1 of the Penal Code shall not  
18 be disqualified from being a peace officer solely on the basis of  
19 the plea or finding if the court deems the offense to be a  
20 misdemeanor or reduces the offense to a misdemeanor.

21 (c) Any person who has been convicted of a felony, other than  
22 a felony punishable by death, in this state or any other state, or  
23 who has been convicted of any offense in any other state which  
24 would have been a felony, other than a felony punishable by death,  
25 if committed in this state, and who demonstrates the ability to  
26 assist persons in programs of rehabilitation may hold office and  
27 be employed as a parole officer of the Department of Corrections  
28 *and Rehabilitation* or the ~~Department of the Youth Authority;~~  
29 *Division of Juvenile Justice*, or as a probation officer in a county  
30 probation department, if ~~he or she~~ *the person* has been granted a  
31 full and unconditional pardon for the felony or offense of which  
32 ~~he or she was~~ *they were* convicted. Notwithstanding any other  
33 provision of law, the Department of Corrections *and Rehabilitation*  
34 or the ~~Department of the Youth Authority;~~ *Division of Juvenile*  
35 *Justice*, or a county probation department, may refuse to employ  
36 that person regardless of ~~his or her~~ *their* qualifications.

37 (d) ~~Nothing in this section shall be construed to~~ *This section*  
38 *does not* limit or curtail the power or authority of any board of  
39 police commissioners, chief of police, sheriff, mayor, or other  
40 appointing authority to appoint, employ, or deputize any person

1 as a peace officer in time of disaster caused by flood, fire,  
2 pestilence or similar public calamity, or to exercise any power  
3 conferred by law to summon assistance in making arrests or  
4 preventing the commission of any criminal offense.

5 ~~(e) Nothing in this section shall be construed to~~ *This section*  
6 *does not* prohibit any person from holding office or being employed  
7 as a superintendent, supervisor, or employee having custodial  
8 responsibilities in an institution operated by a probation  
9 department, if at the time of the person's hire a prior conviction  
10 of a felony was known to the person's employer, and the class of  
11 office for which the person was hired was not declared by law to  
12 be a class prohibited to persons convicted of a felony, but as a  
13 result of a change in classification, as provided by law, the new  
14 classification would prohibit employment of a person convicted  
15 of a felony.

16 *SEC. 5. Section 832.7 of the Penal Code is amended to read:*

17 832.7. (a) Except as provided in subdivision (b), the personnel  
18 records of peace officers and custodial officers and records  
19 maintained by any state or local agency pursuant to Section 832.5,  
20 or information obtained from these records, are confidential and  
21 shall not be disclosed in any criminal or civil proceeding except  
22 by discovery pursuant to Sections 1043 and 1046 of the Evidence  
23 Code. This section shall not apply to investigations or proceedings  
24 concerning the conduct of peace officers or custodial officers, or  
25 an agency or department that employs those officers, conducted  
26 by a grand jury, a district attorney's office, ~~or the Attorney~~  
27 ~~General's office.~~ *office, or the Commission on Peace Officer*  
28 *Standards and Training.*

29 (b) (1) Notwithstanding subdivision (a), subdivision (f) of  
30 Section 6254 of the Government Code, or any other law, the  
31 following peace officer or custodial officer personnel records and  
32 records maintained by any state or local agency shall not be  
33 confidential and shall be made available for public inspection  
34 pursuant to the California Public Records Act (Chapter 3.5  
35 commencing with Section 6250) of Division 7 of Title 1 of the  
36 Government Code):

37 (A) A record relating to the report, investigation, or findings of  
38 any of the following:

39 (i) An incident involving the discharge of a firearm at a person  
40 by a peace officer or custodial officer.

1 (ii) An incident in which the use of force by a peace officer or  
2 custodial officer against a person resulted in death, or in great  
3 bodily injury.

4 (B) (i) Any record relating to an incident in which a sustained  
5 finding was made by any law enforcement agency or oversight  
6 agency that a peace officer or custodial officer engaged in sexual  
7 assault involving a member of the public.

8 (ii) As used in this subparagraph, “sexual assault” means the  
9 commission or attempted initiation of a sexual act with a member  
10 of the public by means of force, threat, coercion, extortion, offer  
11 of leniency or other official favor, or under the color of authority.  
12 For purposes of this definition, the propositioning for or  
13 commission of any sexual act while on duty is considered a sexual  
14 assault.

15 (iii) As used in this subparagraph, “member of the public” means  
16 any person not employed by the officer’s employing agency and  
17 includes any participant in a cadet, explorer, or other youth program  
18 affiliated with the agency.

19 (C) Any record relating to an incident in which a sustained  
20 finding was made by any law enforcement agency or oversight  
21 agency of dishonesty by a peace officer or custodial officer directly  
22 relating to the reporting, investigation, or prosecution of a crime,  
23 or directly relating to the reporting of, or investigation of  
24 misconduct by, another peace officer or custodial officer, including,  
25 but not limited to, any sustained finding of perjury, false  
26 statements, filing false reports, destruction, falsifying, or concealing  
27 of evidence.

28 (2) Records that shall be released pursuant to this subdivision  
29 include all investigative reports; photographic, audio, and video  
30 evidence; transcripts or recordings of interviews; autopsy reports;  
31 all materials compiled and presented for review to the district  
32 attorney or to any person or body charged with determining  
33 whether to file criminal charges against an officer in connection  
34 with an incident, or whether the officer’s action was consistent  
35 with law and agency policy for purposes of discipline or  
36 administrative action, or what discipline to impose or corrective  
37 action to take; documents setting forth findings or recommended  
38 findings; and copies of disciplinary records relating to the incident,  
39 including any letters of intent to impose discipline, any documents  
40 reflecting modifications of discipline due to the Skelly or grievance

1 process, and letters indicating final imposition of discipline or  
2 other documentation reflecting implementation of corrective action.

3 (3) A record from a separate and prior investigation or  
4 assessment of a separate incident shall not be released unless it is  
5 independently subject to disclosure pursuant to this subdivision.

6 (4) If an investigation or incident involves multiple officers,  
7 information about allegations of misconduct by, or the analysis or  
8 disposition of an investigation of, an officer shall not be released  
9 pursuant to subparagraph (B) or (C) of paragraph (1), unless it  
10 relates to a sustained finding against that officer. However, factual  
11 information about that action of an officer during an incident, or  
12 the statements of an officer about an incident, shall be released if  
13 they are relevant to a sustained finding against another officer that  
14 is subject to release pursuant to subparagraph (B) or (C) of  
15 paragraph (1).

16 (5) An agency shall redact a record disclosed pursuant to this  
17 section only for any of the following purposes:

18 (A) To remove personal data or information, such as a home  
19 address, telephone number, or identities of family members, other  
20 than the names and work-related information of peace and custodial  
21 officers.

22 (B) To preserve the anonymity of complainants and witnesses.

23 (C) To protect confidential medical, financial, or other  
24 information of which disclosure is specifically prohibited by federal  
25 law or would cause an unwarranted invasion of personal privacy  
26 that clearly outweighs the strong public interest in records about  
27 misconduct and serious use of force by peace officers and custodial  
28 officers.

29 (D) Where there is a specific, articulable, and particularized  
30 reason to believe that disclosure of the record would pose a  
31 significant danger to the physical safety of the peace officer,  
32 custodial officer, or another person.

33 (6) Notwithstanding paragraph (5), an agency may redact a  
34 record disclosed pursuant to this section, including personal  
35 identifying information, where, on the facts of the particular case,  
36 the public interest served by not disclosing the information clearly  
37 outweighs the public interest served by disclosure of the  
38 information.

39 (7) An agency may withhold a record of an incident described  
40 in subparagraph (A) of paragraph (1) that is the subject of an active

1 criminal or administrative investigation, in accordance with any  
2 of the following:

3 (A) (i) During an active criminal investigation, disclosure may  
4 be delayed for up to 60 days from the date the use of force occurred  
5 or until the district attorney determines whether to file criminal  
6 charges related to the use of force, whichever occurs sooner. If an  
7 agency delays disclosure pursuant to this clause, the agency shall  
8 provide, in writing, the specific basis for the agency's  
9 determination that the interest in delaying disclosure clearly  
10 outweighs the public interest in disclosure. This writing shall  
11 include the estimated date for disclosure of the withheld  
12 information.

13 (ii) After 60 days from the use of force, the agency may continue  
14 to delay the disclosure of records or information if the disclosure  
15 could reasonably be expected to interfere with a criminal  
16 enforcement proceeding against an officer who used the force. If  
17 an agency delays disclosure pursuant to this clause, the agency  
18 shall, at 180-day intervals as necessary, provide, in writing, the  
19 specific basis for the agency's determination that disclosure could  
20 reasonably be expected to interfere with a criminal enforcement  
21 proceeding. The writing shall include the estimated date for the  
22 disclosure of the withheld information. Information withheld by  
23 the agency shall be disclosed when the specific basis for  
24 withholding is resolved, when the investigation or proceeding is  
25 no longer active, or by no later than 18 months after the date of  
26 the incident, whichever occurs sooner.

27 (iii) After 60 days from the use of force, the agency may  
28 continue to delay the disclosure of records or information if the  
29 disclosure could reasonably be expected to interfere with a criminal  
30 enforcement proceeding against someone other than the officer  
31 who used the force. If an agency delays disclosure under this  
32 clause, the agency shall, at 180-day intervals, provide, in writing,  
33 the specific basis why disclosure could reasonably be expected to  
34 interfere with a criminal enforcement proceeding, and shall provide  
35 an estimated date for the disclosure of the withheld information.  
36 Information withheld by the agency shall be disclosed when the  
37 specific basis for withholding is resolved, when the investigation  
38 or proceeding is no longer active, or by no later than 18 months  
39 after the date of the incident, whichever occurs sooner, unless  
40 extraordinary circumstances warrant continued delay due to the

1 ongoing criminal investigation or proceeding. In that case, the  
2 agency must show by clear and convincing evidence that the  
3 interest in preventing prejudice to the active and ongoing criminal  
4 investigation or proceeding outweighs the public interest in prompt  
5 disclosure of records about use of serious force by peace officers  
6 and custodial officers. The agency shall release all information  
7 subject to disclosure that does not cause substantial prejudice,  
8 including any documents that have otherwise become available.

9 (iv) In an action to compel disclosure brought pursuant to  
10 Section 6258 of the Government Code, an agency may justify  
11 delay by filing an application to seal the basis for withholding, in  
12 accordance with Rule 2.550 of the California Rules of Court, or  
13 any successor rule thereto, if disclosure of the written basis itself  
14 would impact a privilege or compromise a pending investigation.

15 (B) If criminal charges are filed related to the incident in which  
16 force was used, the agency may delay the disclosure of records or  
17 information until a verdict on those charges is returned at trial or,  
18 if a plea of guilty or no contest is entered, the time to withdraw  
19 the plea pursuant to Section 1018.

20 (C) During an administrative investigation into an incident  
21 described in subparagraph (A) of paragraph (1), the agency may  
22 delay the disclosure of records or information until the investigating  
23 agency determines whether the use of force violated a law or  
24 agency policy, but no longer than 180 days after the date of the  
25 employing agency's discovery of the use of force, or allegation of  
26 use of force, by a person authorized to initiate an investigation, or  
27 30 days after the close of any criminal investigation related to the  
28 peace officer or custodial officer's use of force, whichever is later.

29 (8) A record of a civilian complaint, or the investigations,  
30 findings, or dispositions of that complaint, shall not be released  
31 pursuant to this section if the complaint is frivolous, as defined in  
32 Section 128.5 of the Code of Civil Procedure, or if the complaint  
33 is unfounded.

34 (c) Notwithstanding subdivisions (a) and (b), a department or  
35 agency shall release to the complaining party a copy of ~~his or her~~  
36 *the party's* own statements at the time the complaint is filed.

37 (d) Notwithstanding subdivisions (a) and (b), a department or  
38 agency that employs peace or custodial officers may disseminate  
39 data regarding the number, type, or disposition of complaints  
40 (sustained, not sustained, exonerated, or unfounded) made against

1 its officers if that information is in a form which does not identify  
2 the individuals involved.

3 (e) Notwithstanding subdivisions (a) and (b), a department or  
4 agency that employs peace or custodial officers may release factual  
5 information concerning a disciplinary investigation if the officer  
6 who is the subject of the disciplinary investigation, or the officer's  
7 agent or representative, publicly makes a statement ~~he or she knows~~  
8 *that they know* to be false concerning the investigation or the  
9 imposition of disciplinary action. Information may not be disclosed  
10 by the peace or custodial officer's employer unless the false  
11 statement was published by an established medium of  
12 communication, such as television, radio, or a newspaper.  
13 Disclosure of factual information by the employing agency  
14 pursuant to this subdivision is limited to facts contained in the  
15 officer's personnel file concerning the disciplinary investigation  
16 or imposition of disciplinary action that specifically refute the false  
17 statements made public by the peace or custodial officer ~~or his or~~  
18 ~~her~~ *their* agent or representative.

19 (f) (1) The department or agency shall provide written  
20 notification to the complaining party of the disposition of the  
21 complaint within 30 days of the disposition.

22 (2) The notification described in this subdivision shall not be  
23 conclusive or binding or admissible as evidence in any separate  
24 or subsequent action or proceeding brought before an arbitrator,  
25 court, or judge of this state or the United States.

26 (g) This section does not affect the discovery or disclosure of  
27 information contained in a peace or custodial officer's personnel  
28 file pursuant to Section 1043 of the Evidence Code.

29 (h) This section does not supersede or affect the criminal  
30 discovery process outlined in Chapter 10 (commencing with  
31 Section 1054) of Title 6 of Part 2, or the admissibility of personnel  
32 records pursuant to subdivision (a), which codifies the court  
33 decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

34 (i) Nothing in this chapter is intended to limit the public's right  
35 of access as provided for in *Long Beach Police Officers*  
36 *Association v. City of Long Beach* (2014) 59 Cal.4th 59.

37 *SEC. 6. Section 13503 of the Penal Code is amended to read:*  
38 13503. In carrying out its duties and responsibilities, the  
39 commission shall have all of the following powers:

40 (a) To meet at those times and places as it may deem proper.

1 (b) To employ an executive secretary and, pursuant to civil  
2 service, those clerical and technical assistants as may be necessary.

3 (c) To contract with other agencies, public or private, or persons  
4 as it deems necessary, for the rendition and affording of those  
5 services, facilities, studies, and reports to the commission as will  
6 best assist it to carry out its duties and responsibilities.

7 (d) To cooperate with and to secure the cooperation of county,  
8 city, city and county, and other local law enforcement agencies in  
9 investigating any matter within the scope of its duties and  
10 responsibilities, and in performing its other functions.

11 (e) To develop and implement programs to increase the  
12 effectiveness of law enforcement and when those programs involve  
13 training and education courses to cooperate with and secure the  
14 cooperation of state-level officers, agencies, and bodies having  
15 jurisdiction over systems of public higher education in continuing  
16 the development of college-level training and education programs.

17 (f) *To investigate and determine the fitness of any person to*  
18 *serve as a peace officer in the state of California.*

19 (f)

20 (g) To cooperate with and secure the cooperation of every  
21 department, agency, or instrumentality in the state government.

22 (h) *To audit any law enforcement agency that employs peace*  
23 *officers described in subdivision (a) of Section 13510.1, without*  
24 *cause and at any time.*

25 (g)

26 (i) To do any and all things necessary or convenient to enable  
27 it fully and adequately to perform its duties and to exercise the  
28 power granted to it.

29 ~~(h) The commission shall not have the authority to adopt or~~  
30 ~~carry out a regulation that authorizes the withdrawal or revocation~~  
31 ~~of a certificate previously issued to a peace officer pursuant to this~~  
32 ~~chapter.~~

33 ~~(i) Except as specifically provided by law, the commission shall~~  
34 ~~not have the authority to cancel a certificate previously issued to~~  
35 ~~a peace officer pursuant to this chapter.~~

36 *SEC. 7. Section 13506 of the Penal Code is amended to read:*

37 13506. The commission may adopt those regulations as are  
38 necessary to carry out the purposes of this chapter. ~~The commission~~  
39 ~~shall not have the authority to adopt or carry out a regulation that~~  
40 ~~authorizes the withdrawal or revocation of a certificate previously~~

1 issued to a peace officer pursuant to this chapter. Except as  
2 specifically provided by law, the commission shall not have the  
3 authority to adopt regulations providing for the cancellation of a  
4 certificate.

5 *SEC. 8. Section 13509.5 is added to the Penal Code, to read:*

6 *13509.5. (a) There is within the commission a Peace Officer*  
7 *Standards Accountability Division, hereafter referred to in this*  
8 *chapter as the division.*

9 *(b) The primary responsibilities of the division shall be to review*  
10 *potential grounds for decertification of peace officers, conduct*  
11 *investigations into serious misconduct that may provide grounds*  
12 *for decertification, present findings and recommendations to the*  
13 *board and commission, and bring proceedings seeking the*  
14 *revocation of certification of peace officers as directed by the*  
15 *board and commission pursuant to this chapter.*

16 *(c) The Governor and the commission shall ensure the division*  
17 *is staffed with a sufficient number of experienced and able*  
18 *employees that are capable of handling the most complex and*  
19 *varied types of decertification investigations, prosecutions, and*  
20 *administrative proceedings against peace officers.*

21 *(d) The commission shall establish procedures for accepting*  
22 *complaints from members of the public regarding peace officers*  
23 *or law enforcement agencies that may be investigated by the*  
24 *division or referred to the peace officers' employing agency or the*  
25 *Department of Justice.*

26 *SEC. 9. Section 13509.6 is added to the Penal Code, to read:*

27 *13509.6. (a) No later than January 1, 2023, the Governor*  
28 *shall establish the Peace Officer Standards Accountability Advisory*  
29 *Board, hereafter referred to in this chapter as the board.*

30 *(b) The purpose of the board shall be to make recommendations*  
31 *on the decertification of peace officers to the commission.*

32 *(c) The protection of the public shall be the highest priority for*  
33 *the board as it upholds the standards for peace officers in*  
34 *California. Whenever the protection of the public is inconsistent*  
35 *with other interests sought to be promoted, the protection of the*  
36 *public shall be paramount.*

37 *(d) The board shall consist of nine members, as follows:*

38 *(1) One member shall be a peace officer or former peace officer*  
39 *with substantial experience at a command rank, appointed by the*  
40 *Governor.*

1     (2) *One member shall be a peace officer or former peace officer*  
2 *with substantial experience at a management rank in internal*  
3 *investigations or disciplinary proceedings of peace officers,*  
4 *appointed by the Governor.*

5     (3) *Two members shall be members of the public, who shall not*  
6 *be former peace officers, who have substantial experience working*  
7 *at nonprofit or academic institutions on issues related to police*  
8 *misconduct. One of these members shall be appointed by the*  
9 *Governor and one by the Speaker of the Assembly.*

10    (4) *Two members shall be members of the public, who shall not*  
11 *be former peace officers, who have substantial experience working*  
12 *at community-based organizations on issues related to police*  
13 *misconduct. One of these members shall be appointed by the*  
14 *Governor and one by the Senate Rules Committee.*

15    (5) *Two members shall be members of the public, who shall not*  
16 *be former peace officers, who have been subject to wrongful use*  
17 *of force likely to cause death or serious bodily injury by a peace*  
18 *officer; or who are surviving family members of a person killed*  
19 *by the wrongful use of deadly force by a peace officer; appointed*  
20 *by the Governor.*

21    (6) *One member shall be an attorney, who shall not be a former*  
22 *peace officer, with substantial professional experience involving*  
23 *oversight of peace officers, appointed by the Governor.*

24    (e) *Except as otherwise provided in subdivision (f), each member*  
25 *shall be appointed for a term of three years and shall hold office*  
26 *until the appointment of the member's successor or until one year*  
27 *has elapsed since the expiration of the term for which the member*  
28 *was appointed, whichever occurs first. Vacancies occurring shall*  
29 *be filled by appointment for the unexpired term of a person with*  
30 *the same qualification for appointment as the person being*  
31 *replaced. No person shall serve more than two terms consecutively.*  
32 *The Governor shall remove from the board any peace officer*  
33 *member whose certification as a peace officer has been revoked.*  
34 *The Governor may, after hearing, remove any member of the board*  
35 *for neglect of duty or other just cause.*

36    (f) *Of the members initially appointed to the board, three shall*  
37 *be appointed for a term of one year; three for a term of two years,*  
38 *and three for a term of three years. Successor appointments shall*  
39 *be made pursuant to subdivision (e).*

1 (g) Each member of the board shall receive a per diem of three  
2 hundred fifty dollars (\$350) for each day actually spent in the  
3 discharge of official duties, including reasonable time spent in  
4 preparation for public hearings, and shall be reimbursed for travel  
5 and other expenses necessarily incurred in the performance of  
6 official duties. Upon request of a member based on financial  
7 necessity, the commission shall arrange and make direct payment  
8 for travel or other necessities rather than providing reimbursement.

9 SEC. 10. The heading of Article 2 (commencing with Section  
10 13510) of Chapter 1 of Title 4 of Part 4 of the Penal Code is  
11 amended to read:

12  
13 Article 2. ~~Field Services and Standards for Recruitment and~~  
14 ~~Training Services, Standards, and Certification~~

15  
16 SEC. 11. Section 13510 of the Penal Code is amended to read:  
17 13510. (a) (1) For the purpose of raising the level of  
18 competence of local law enforcement officers, the commission  
19 shall adopt, and may from time to time amend, rules establishing  
20 and upholding minimum standards relating to physical, mental,  
21 and moral fitness that shall govern the recruitment of any city  
22 police officers, peace officer members of a county sheriff's office,  
23 marshals or deputy marshals, peace officer members of a county  
24 coroner's office notwithstanding Section 13526, reserve officers,  
25 as defined in subdivision (a) of Section 830.6, police officers of a  
26 district authorized by statute to maintain a police department, peace  
27 officer members of a police department operated by a joint powers  
28 agency established by Article 1 (commencing with Section 6500)  
29 of Chapter 5 of Division 7 of Title 1 of the Government Code,  
30 regularly employed and paid inspectors and investigators of a  
31 district attorney's office, as defined in Section 830.1, who conduct  
32 criminal investigations, peace officer members of a district, safety  
33 police officers and park rangers of the County of Los Angeles, as  
34 defined in subdivisions (a) and (b) of Section 830.31, or housing  
35 authority police departments.

36 The

37 (2) The commission also shall adopt, and may from time to time  
38 amend, rules establishing minimum standards for training of city  
39 police officers, peace officer members of county sheriff's offices,  
40 marshals or deputy marshals, peace officer members of a county

1 coroner's office notwithstanding Section 13526, reserve officers,  
2 as defined in subdivision (a) of Section 830.6, police officers of a  
3 district authorized by statute to maintain a police department, peace  
4 officer members of a police department operated by a joint powers  
5 agency established by Article 1 (commencing with Section 6500)  
6 of Chapter 5 of Division 7 of Title 1 of the Government Code,  
7 regularly employed and paid inspectors and investigators of a  
8 district attorney's office, as defined in Section 830.1, who conduct  
9 criminal investigations, peace officer members of a district, safety  
10 police officers and park rangers of the County of Los Angeles, as  
11 defined in subdivisions (a) and (b) of Section 830.31, and housing  
12 authority police departments.

13 These

14 (3) *These* rules shall apply to those cities, counties, cities and  
15 counties, and districts receiving state aid pursuant to this chapter  
16 and shall be adopted and amended pursuant to Chapter 3.5  
17 (commencing with Section 11340) of Part 1 of Division 3 of Title  
18 2 of the Government Code.

19 (b) The commission shall conduct research concerning  
20 job-related educational standards and job-related selection  
21 standards to include vision, hearing, physical ability, and emotional  
22 stability. Job-related standards that are supported by this research  
23 shall be adopted by the commission prior to January 1, 1985, and  
24 shall apply to those peace officer classes identified in subdivision  
25 (a). The commission shall consult with local entities during the  
26 conducting of related research into job-related selection standards.

27 (c) For the purpose of raising the level of competence of local  
28 public safety dispatchers, the commission shall adopt, and may  
29 from time to time amend, rules establishing minimum standards  
30 relating to the recruitment and training of local public safety  
31 dispatchers having a primary responsibility for providing  
32 dispatching services for local law enforcement agencies described  
33 in subdivision (a), which standards shall apply to those cities,  
34 counties, cities and counties, and districts receiving state aid  
35 pursuant to this chapter. These standards also shall apply to  
36 consolidated dispatch centers operated by an independent public  
37 joint powers agency established pursuant to Article 1 (commencing  
38 with Section 6500) of Chapter 5 of Division 7 of Title 1 of the  
39 Government Code when providing dispatch services to the law  
40 enforcement personnel listed in subdivision (a). Those rules shall

1 be adopted and amended pursuant to Chapter 3.5 (commencing  
2 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
3 Government Code. As used in this section, “primary responsibility”  
4 refers to the performance of law enforcement dispatching duties  
5 for a minimum of 50 percent of the time worked within a pay  
6 period.

7 (d) ~~Nothing in this section shall~~ *This section does not prohibit*  
8 a local agency from establishing selection and training standards  
9 that exceed the minimum standards established by the commission.

10 *SEC. 12. Section 13510.1 of the Penal Code is amended to*  
11 *read:*

12 13510.1. (a) The commission shall establish a certification  
13 program for peace officers ~~specified in Sections 13510 and 13522~~  
14 ~~and for the California Highway Patrol. Certificates of the~~  
15 ~~commission established described in Section 830.1, 830.2 with the~~  
16 ~~exception of those described in subdivision (d) of that section,~~  
17 ~~830.3, 830.32, or 830.33, or any other peace officer employed by~~  
18 ~~an agency that participates in the Peace Officer Standards and~~  
19 ~~Training (POST) program. A certificate or proof of eligibility~~  
20 ~~issued pursuant to this section shall be considered professional~~  
21 ~~certificates; the property of the commission.~~

22 (b) Basic, intermediate, advanced, supervisory, management,  
23 and executive certificates shall be established for the purpose of  
24 fostering professionalization, education, and experience necessary  
25 to adequately accomplish the general police service duties  
26 performed by peace officer members of city police departments,  
27 county sheriffs’ departments, districts, university and state  
28 university and college departments, or by the California Highway  
29 Patrol.

30 (c) (1) Certificates shall be awarded on the basis of a  
31 combination of training, education, experience, and other  
32 prerequisites, as determined by the commission.

33 (2) In determining whether an applicant for certification has the  
34 requisite education, the commission shall recognize as acceptable  
35 college education only the following:

36 (A) Education provided by a community college, college, or  
37 university which has been accredited by the department of  
38 education of the state in which the community college, college, or  
39 university is located or by a recognized national or regional  
40 accrediting body.

1 (B) Until January 1, 1998, educational courses or degrees  
2 provided by a nonaccredited but state-approved college that offers  
3 programs exclusively in criminal justice.

4 (d) Persons who are determined by the commission to be eligible  
5 peace officers may make application for the certificates, provided  
6 they are employed by an agency which participates in the ~~Peace~~  
7 ~~Officer Standards and Training (POST) program.~~ *POST program.*  
8 *Any person described in subdivision (a) who is not eligible for a*  
9 *certificate shall make application for proof of eligibility.*

10 (e) *The commission shall assign each person who applies for*  
11 *or receives certification a unique identifier that shall be used to*  
12 *track certification status from application for certification through*  
13 *that person's career as a peace officer.*

14 ~~(e)~~  
15 (f) ~~The commission shall have the authority to cancel any~~  
16 ~~certificate that has been obtained through misrepresentation or~~  
17 ~~fraud or that was issued as the result of an administrative error on~~  
18 ~~the part of the commission or the employing agency.~~ *suspend,*  
19 *revoke, or cancel any certification pursuant to this chapter.*

20 (g) *An agency that employs peace officers described in*  
21 *subdivision (a) shall employ as a peace officer only individuals*  
22 *with current, valid certification pursuant to this section, except*  
23 *that an agency may provisionally employ a person for up to 24*  
24 *months, pending certification by the commission, provided that*  
25 *the person has applied for certification and has not previously*  
26 *been certified or denied certification.*

27 (h) (1) *Notwithstanding subdivision (d), the commission shall*  
28 *issue a basic certificate or proof of eligibility to any peace officer*  
29 *described in subdivision (a) who, on January 1, 2022, is eligible*  
30 *for a basic certificate or proof of eligibility but has not applied*  
31 *for a certification.*

32 (2) *Commencing on January 1, 2022, any peace officer*  
33 *described in subdivision (a) who does not possess a basic*  
34 *certificate and who is not yet or will not be eligible for a basic*  
35 *certificate, shall apply to the commission for proof of eligibility.*

36 (i) *As used in this chapter, "certification" means a valid and*  
37 *unexpired basic certificate or proof of eligibility issued by the*  
38 *commission pursuant to this section.*

39 *SEC. 13. Section 13510.15 is added to the Penal Code,*  
40 *immediately following Section 13510.1, to read:*

1 13510.15. (a) Every basic certificate issued before January  
2 1, 2022, shall be deemed to expire on January 1, 2023. Every basic  
3 certificate or proof of eligibility issued on or after January 1, 2022,  
4 shall be valid for no more than two years, as determined by the  
5 commission.

6 (b) The commission shall assess the following fees related to  
7 the issuance and renewal of a basic certificate or proof of  
8 eligibility:

9 (1) A fee not to exceed three hundred dollars (\$300) for the  
10 initial issuance of a basic certificate or proof of eligibility.

11 (2) A fee not to exceed fifty dollars (\$50) for the renewal of an  
12 expiring basic certificate or proof of eligibility.

13 (3) An annual certification fee not to exceed two hundred fifty  
14 dollars (\$250), per year; for costs incident to the administration  
15 of the certification program, investigations of officer misconduct,  
16 and adjudication of certification revocations.

17 (4) Any other fees determined necessary by the commission for  
18 the processing of other transactions related to the certification  
19 program, including, but not limited to, the replacement of a lost  
20 or destroyed certificate or proof of eligibility, the placement of  
21 certification on inactive status, or reactivation of an inactive  
22 certification.

23 (c) The amount of the fees shall be set and may be adjusted by  
24 the commission, but shall not exceed the reasonable regulatory  
25 cost to the commission of administering the certification program.

26 (d) Moneys collected pursuant to this section shall be deposited  
27 into the Peace Officer Certification Fund, which is hereby created  
28 as a special fund in the State Treasury. Notwithstanding Section  
29 13340 of the Government Code, moneys in the Peace Officer  
30 Certification Fund are continuously appropriated to the  
31 commission for the purpose of administering the certification  
32 program.

33 SEC. 14. Section 13510.8 is added to the Penal Code, to read:

34 13510.8. (a) A certified peace officer shall have their  
35 certification revoked, and an applicant shall have their application  
36 for certification denied, upon a determination pursuant to  
37 subdivision (d) that the peace officer or applicant has done any  
38 of the following:

39 (1) The person is or has become ineligible to hold office as a  
40 peace officer pursuant to Section 1029 of the Government Code.

1     (2) *The person has been terminated for cause from employment*  
2 *as a peace officer for, or has, while employed as a peace officer,*  
3 *otherwise engaged in, any serious misconduct as described in*  
4 *subdivision (b).*

5     (b) *By January 1, 2023, the commission shall adopt by*  
6 *regulation a definition of “serious misconduct” that shall serve*  
7 *as the criteria to be considered for ineligibility for, or revocation*  
8 *of, certification. This definition shall, without limitation, include*  
9 *all of the following:*

10     (1) *Acts of dishonesty relating to the reporting, investigation,*  
11 *or prosecution of a crime, or relating to the reporting of, or*  
12 *investigation of misconduct by, a peace officer or custodial officer;*  
13 *including, but not limited to, false statements, filing false reports,*  
14 *tampering with, falsifying, destroying, or concealing evidence,*  
15 *perjury, and tampering with data recorded by a body-worn camera*  
16 *or other recording device for purposes of concealing misconduct.*

17     (2) *Acts of abuse of power, including, but not limited to,*  
18 *intimidating witnesses, knowingly obtaining a false confession,*  
19 *and knowingly making a false arrest.*

20     (3) *Acts of physical abuse, including, but not limited to, the*  
21 *unauthorized use of force.*

22     (4) *Sexual assault, as described in subdivision (b) of Section*  
23 *832.7.*

24     (5) *Acts demonstrating bias on the basis of race, national origin,*  
25 *religion, gender identity or expression, housing status, sexual*  
26 *orientation, mental or physical disability, or other protected status*  
27 *in violation of law or department policy or inconsistent with a*  
28 *peace officer’s obligation to carry out their duties in a fair and*  
29 *unbiased manner.*

30     (6) *Acts that violate the law and are sufficiently egregious or*  
31 *repeated as to be inconsistent with an officer’s obligation to uphold*  
32 *the law or respect the rights of members of the public, as*  
33 *determined by the commission.*

34     (7) *Participation in a law enforcement gang or other*  
35 *organization that engages in a pattern of rogue on-duty behavior*  
36 *that violates the law or fundamental principles of professional*  
37 *policing, including, but not limited to, unlawful detention, use of*  
38 *excessive force, falsifying police reports, fabricating evidence,*  
39 *targeting persons for enforcement based solely on protected*  
40 *characteristics of those persons, theft, use of alcohol or drugs on*

1 *duty, protection of other members from disciplinary actions, and*  
2 *retaliation against other officers who threaten or interfere with*  
3 *the activities of the group.*

4 *(8) Failure to cooperate with an investigation into potential*  
5 *police misconduct, including an investigation conducted pursuant*  
6 *to this chapter.*

7 *(c) (1) Beginning no later than January 1, 2023, the division*  
8 *shall promptly review and investigate any grounds for*  
9 *decertification described in subdivision (a) received from an*  
10 *agency.*

11 *(2) In addition to the requirement to investigate incidents*  
12 *specified in paragraph (1), the commission or board, in their*  
13 *discretion, may direct the division to investigate, and the division*  
14 *in its discretion may investigate without the request of the*  
15 *commission or board, any potential grounds for revocation of*  
16 *certification of an officer.*

17 *(3) The division, in carrying out any investigation initiated*  
18 *pursuant to this section or any other duty shall have all of the*  
19 *powers of investigation granted pursuant to Article 2 (commencing*  
20 *with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title*  
21 *2 of the Government Code.*

22 *(4) Notwithstanding any other law, the investigation shall be*  
23 *completed within three years after the receipt of the completed*  
24 *report of the disciplinary or internal affairs investigation from the*  
25 *employing agency pursuant to Section 13510.9, however, no time*  
26 *limit shall apply if a report of the conduct was not made to the*  
27 *commission. An investigation shall be considered completed upon*  
28 *a notice of intent to deny or revoke certification issued pursuant*  
29 *to subdivision (e). The time limit shall be tolled during the appeal*  
30 *of a termination or other disciplinary action through an*  
31 *administrative or judicial proceeding or during any criminal*  
32 *prosecution of the officer. The commission shall consider the*  
33 *officer's prior conduct and service record, and any instances of*  
34 *misconduct, including any incidents occurring beyond the time*  
35 *limitation for investigation in evaluating whether to revoke*  
36 *certification for the incident under investigation.*

37 *(5) An action by an agency or decision resulting from an appeal*  
38 *of an agency's action does not preclude action by the commission*  
39 *to investigate, suspend, or revoke an officer's certification pursuant*  
40 *to this section.*

1     (d) Upon arrest or indictment of an officer for any crime  
2 described in Section 1029 of the Government Code, or discharge  
3 from any law enforcement agency for grounds set forth in  
4 subdivision (a), or separation from employment of an officer during  
5 a pending investigation into allegations of serious misconduct, the  
6 executive director shall order the immediate suspension of any  
7 certificate held by that officer upon the determination by the  
8 executive director that the suspension is in the best interest of the  
9 health, safety, or welfare of the public. The order of suspension  
10 shall be made in writing and shall specify the basis for the  
11 executive director's determination. Following the issuance of a  
12 suspension order, proceedings of the commission in the exercise  
13 of its authority to discipline any officer shall be promptly scheduled  
14 as provided for in this section. The suspension shall continue in  
15 effect until issuance of the final decision on revocation pursuant  
16 to this section or until the order is withdrawn by the executive  
17 director.

18     (e) Records of an investigation of any person by the commission  
19 shall be retained for 30 years following the date that the  
20 investigation is deemed concluded by the commission. The  
21 commission may destroy records prior to the expiration of the  
22 30-year retention period if the subject is deceased and no action  
23 upon the complaint was taken by the commission beyond the  
24 commission's initial intake of such complaint.

25     (f) Any peace officer may voluntarily surrender their  
26 certification permanently. Voluntary permanent surrender of  
27 certification pursuant to this subdivision shall have the same effect  
28 as revocation. Voluntary permanent surrender is not the same as  
29 placement of a valid certification into inactive status during a  
30 period in which a person is not actively employed as a peace  
31 officer. A permanently surrendered certification cannot be  
32 reactivated.

33     (g) (1) The commission may initiate proceedings to revoke an  
34 officer's certification for conduct which occurred before January  
35 1, 2022, only for either of the following:

36     (A) Serious misconduct pursuant to paragraphs (1) or (4) of  
37 subdivision (b), or pursuant to paragraph (3) of subdivision (b)  
38 for the use of deadly force that results in death or serious bodily  
39 injury.

1 (B) If the employing agency makes a final determination  
2 regarding its investigation of the misconduct after January 1, 2022.

3 (2) Nothing in this subdivision prevents the commission from  
4 considering the officer's prior conduct and service record in  
5 determining whether revocation is appropriate for serious  
6 misconduct.

7 SEC. 15. Section 13510.85 is added to the Penal Code,  
8 immediately following Section 13510.8, to read:

9 13510.85. (a) (1) When, upon the completion of an  
10 investigation conducted pursuant to subdivision (c) of Section  
11 13510.8, the division finds reasonable grounds for revocation of  
12 a peace officer's certification, it shall promptly notify the officer  
13 involved, in writing, of its determination and reasons therefore,  
14 and shall provide the officer with a detailed explanation of the  
15 decertification procedure and the officer's rights to contest and  
16 appeal.

17 (2) Upon notification, the officer may, within 30 days, file a  
18 request for a review of the determination by the board and  
19 commission. If the officer does not file a request for review within  
20 30 days, the officer's certification shall be revoked without further  
21 proceedings. If the officer files a timely review, the board shall  
22 schedule the case for hearing.

23 (3) The board shall meet as required to conduct public hearings,  
24 but no fewer than four times per year. The location of the board's  
25 meetings shall be varied across the state to facilitate attendance  
26 by involved officers and members of the public in the locality where  
27 the cases arise.

28 (4) At each public hearing, the board shall review the findings  
29 of investigations presented by the division pursuant to paragraph  
30 (1) and shall make a recommendation on what action should be  
31 taken on the certification of the peace officer involved. The board  
32 shall only recommend revocation if the factual basis for revocation  
33 is established by clear and convincing evidence.

34 (5) The commission shall review all recommendations made by  
35 the board and shall adopt the board's recommendation unless it  
36 is without a reasonable basis. In any case in which the commission  
37 reaches a different determination than the board's  
38 recommendation, it shall set forth its analysis and reasons for  
39 reaching a different determination in writing.

1 (6) *The commission shall return any determination requiring*  
2 *action to be taken against a peace officer's certification to the*  
3 *division, which shall initiate proceedings for a formal hearing*  
4 *before an administrative law judge in accordance with the*  
5 *Administrative Procedure Act (Chapter 5 (commencing with*  
6 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*  
7 *Code), which shall be subject to judicial review as set forth in that*  
8 *Act.*

9 (b) *Notwithstanding Section 832.7, the hearings of the board*  
10 *and the review by the commission under this section, administrative*  
11 *adjudications held pursuant to paragraph (6) of subdivision (a),*  
12 *and any records introduced during those proceedings, shall be*  
13 *public.*

14 (c) *The commission shall publish the names of any peace officer*  
15 *whose certification is suspended or revoked and the basis for the*  
16 *suspension or revocation and shall notify the National*  
17 *Decertification Index of the International Association of Directors*  
18 *of Law Enforcement Standards and Training of the suspension or*  
19 *revocation.*

20 *SEC. 16. Section 13510.9 is added to the Penal Code, to read:*

21 *13510.9. (a) Beginning January 1, 2023, any agency employing*  
22 *peace officers shall report to the commission within seven days,*  
23 *in a form specified by the commission, any of the following events:*

24 (1) *The employment, appointment, or termination or separation*  
25 *from employment or appointment, by that agency, of any peace*  
26 *officer. Separation from employment or appointment includes any*  
27 *involuntary termination, resignation, or retirement.*

28 (2) *Any complaint, charge, or allegation of conduct against a*  
29 *peace officer employed by that agency that could render a peace*  
30 *officer subject to revocation of certification by the commission*  
31 *pursuant to Section 13510.8.*

32 (3) *Any finding or recommendation by a civilian oversight entity,*  
33 *including a civilian review board, civilian police commission,*  
34 *police chief, or civilian inspector general, that an officer employed*  
35 *by that agency engaged in conduct that could render a peace*  
36 *officer subject to revocation of certification by the commission*  
37 *pursuant to Section 13510.8.*

38 (4) *The final disposition of any investigation that determines*  
39 *an officer engaged in conduct that could render a peace officer*

1 *subject to revocation of certification by the commission pursuant*  
2 *to Section 13510.8, regardless of the discipline imposed.*

3 *(5) Any civil judgment or court finding against an officer based*  
4 *on conduct, or settlement of a civil claim against an officer or an*  
5 *agency based on allegations of officer conduct that could render*  
6 *a peace officer subject to revocation of certification by the*  
7 *commission pursuant to Section 13510.8.*

8 *(b) An agency employing peace officers shall make available*  
9 *for inspection or duplication by the commission any investigation*  
10 *into any matter reported pursuant to paragraph (2) of subdivision*  
11 *(a), including any physical or documentary evidence, witness*  
12 *statements, analysis, and conclusions, for up to two years after*  
13 *reporting of the disposition of the investigation pursuant to*  
14 *paragraph (3) of subdivision (a).*

15 *(c) (1) In a case of separation from employment or appointment,*  
16 *the employing agency shall execute and maintain an*  
17 *affidavit-of-separation form adopted by the commission describing*  
18 *the reason for separation and shall include whether the separation*  
19 *is part of the resolution or settlement of any criminal, civil, or*  
20 *administrative charge or investigation. The affidavit shall be signed*  
21 *under penalty of perjury and submitted to the commission.*

22 *(2) An officer who has separated from employment or*  
23 *appointment shall be permitted to respond to the*  
24 *affidavit-of-separation, in writing, to the commission, setting forth*  
25 *their understanding of the facts and reasons for the separation, if*  
26 *different from those provided by the agency.*

27 *(3) Before employing or appointing any peace officer who has*  
28 *previously been employed or appointed as a peace officer by*  
29 *another agency, the agency shall contact the commission to inquire*  
30 *as to the facts and reasons an officer became separated from any*  
31 *previous employing agency. The commission shall, upon request*  
32 *and without prejudice, provide to the subsequent employing agency*  
33 *any information regarding the separation in its possession.*

34 *(4) Civil liability shall not be imposed on either a law*  
35 *enforcement agency or the commission, or any of the agency's or*  
36 *commission's agents, for providing information pursuant to this*  
37 *section in a good faith belief that the information is accurate.*

38 *(d) The commission shall maintain the information reported*  
39 *pursuant to this section, in a form determined by the commission,*  
40 *and in a manner that may be accessed by the subject peace officer;*

1 any employing law enforcement agency of that peace officer; any  
2 law enforcement agency that is performing a preemployment  
3 background investigation of that peace officer; or the commission  
4 when necessary for the purposes of decertification.

5 (e) (1) The commission shall notify the head of the agency that  
6 employs the officer of all of the following:

7 (A) The initiation of any investigation of that officer by the  
8 division, unless such notification would interfere with the  
9 investigation.

10 (B) A finding by the division, following an investigation, of  
11 grounds to take action against the officer's certification or  
12 application.

13 (C) A final determination by the commission as to whether action  
14 should be taken against an officer's certification or application.

15 (D) An adjudication, after hearing, resulting in action against  
16 an officer's certification or application.

17 (2) If the certificate of an officer is suspended or revoked or if  
18 an applicant is denied the basic certificate, the commission shall  
19 also notify the district attorney of the county in which the officer  
20 is or was employed of this fact.

21 (3) Each notification required by this subdivision shall include  
22 the name of the officer and a summary of the basis for the action  
23 requiring notification.

24 SEC. 17. Section 13512 of the Penal Code is amended to read:

25 13512. (a) The commission shall make such inquiries as may  
26 be necessary to determine whether every city, county, city and  
27 county, and district receiving state aid pursuant to this chapter is  
28 adhering to the standards for recruitment and training recruitment,  
29 training, certification, and reporting established pursuant to this  
30 chapter.

31 (b) The board shall prepare an annual report on the activities  
32 of the commission, board, division, and subject agencies regarding  
33 peace officer certification under this chapter. The report shall  
34 include, without limitation, all of the following:

35 (1) The number of applications for certification and the number  
36 of certifications granted or denied.

37 (2) The number of events reported pursuant to paragraphs (1)  
38 to (5), inclusive, of subdivision (a) of Section 13510.9.

1 (3) *The criteria and process for review and investigation by the*  
2 *division, the number of reviews, and the number of investigations*  
3 *conducted by the division.*

4 (4) *The number of notices sent by the division pursuant to*  
5 *paragraph (1) of subdivision (a) of Section 13510.85, the number*  
6 *of requests for review received, and the number of revocations or*  
7 *denials made pursuant to paragraph (2) of subdivision (a) of*  
8 *Section 13510.85.*

9 (5) *The number of review hearings held by the board and*  
10 *commission and the outcomes of those review hearings.*

11 (6) *The number of administrative hearings held on revocations*  
12 *and the number of revocations resulting from those hearings.*

13 (7) *Any cases of judicial review of commission actions on*  
14 *revocation and the result of those cases.*

15 (8) *The number of certifications voluntarily surrendered and*  
16 *the number placed on inactive status.*

17 (9) *Any compliance audits or reviews conducted pursuant to*  
18 *this chapter and the results of those audits.*

19 (10) *Any other information the board deems relevant to*  
20 *evaluating the functioning of the certification program, the*  
21 *decertification process, and the staffing levels of the division.*

22 SEC. 18. *No reimbursement is required by this act pursuant*  
23 *to Section 6 of Article XIII B of the California Constitution for*  
24 *certain costs that may be incurred by a local agency or school*  
25 *district because, in that regard, this act creates a new crime or*  
26 *infraction, eliminates a crime or infraction, or changes the penalty*  
27 *for a crime or infraction, within the meaning of Section 17556 of*  
28 *the Government Code, or changes the definition of a crime within*  
29 *the meaning of Section 6 of Article XIII B of the California*  
30 *Constitution.*

31 *However, if the Commission on State Mandates determines that*  
32 *this act contains other costs mandated by the state, reimbursement*  
33 *to local agencies and school districts for those costs shall be made*  
34 *pursuant to Part 7 (commencing with Section 17500) of Division*  
35 *4 of Title 2 of the Government Code.*

36 SECTION 1. ~~The Legislature finds and declares all of the~~  
37 ~~following:~~

38 (a) ~~As the Legislature and courts of this state have repeatedly~~  
39 ~~recognized, police officers, sheriffs' deputies, and other peace~~  
40 ~~officers hold extraordinary powers to detain, search, arrest, and~~

1 use force, including deadly force. The state has a correspondingly  
2 strong interest in ensuring that peace officers do not abuse their  
3 authority, including by ensuring that individual peace officers who  
4 abuse their authority are held accountable.

5 (b) California is one of the last few states that does not have a  
6 process for revoking peace officer certificates as a result of  
7 misconduct. Nationwide, 45 states have the authority to decertify  
8 peace officers. Five states do not have decertification authority:  
9 California, Hawaii, New Jersey, Massachusetts, and Rhode Island.

10 (c) From 2016 through 2019, police killed 621 Californians,  
11 and police departments in our state have some of the highest rates  
12 of killings in the nation. Of the unarmed people California police  
13 killed, three out of four were people of color. Black and Latino  
14 families and communities of color are disproportionately vulnerable  
15 to police violence, creating generations of individual and  
16 community trauma.

17 (d) More than 200 professions and trades, including doctors,  
18 lawyers, and contractors are licensed or certified by the State of  
19 California in order to maintain professional standards and to protect  
20 the public. Law enforcement officers are entrusted with  
21 extraordinary powers, including the power to carry a firearm, stop  
22 and search, arrest, and use force. They must be held to the highest  
23 standards of accountability, and the state should ensure that officers  
24 who abuse their authority by committing serious or repeated  
25 misconduct, or otherwise demonstrate a lack of fitness to serve as  
26 peace officers, are removed from the streets.

27 (e) To ensure public trust that the system for decertification will  
28 hold peace officers accountable for misconduct and that  
29 California's standards for law enforcement reflect community  
30 values, it is the intent of the Legislature that the entities charged  
31 with investigating and rendering decisions on decertification shall  
32 be under independent civilian control and maintain independence  
33 from law enforcement.

34 (f) Civil courts provide a vital avenue for individuals harmed  
35 by violations of the law by peace officers to find redress and  
36 accountability. But the judicially created doctrine of qualified  
37 immunity in federal courts, and broad interpretations of California  
38 law immunities and restrictive views on the cause of action under  
39 the Tom Bane Civil Rights Act, too often lead to officers escaping  
40 accountability in civil courts, even when they have broken the law

1 ~~or violated the rights of members of the public. The civil court~~  
2 ~~process should ensure that peace officers are treated fairly, but that~~  
3 ~~they can be held accountable for violations of the law that harm~~  
4 ~~others, especially the use of excessive force.~~

5 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~  
6 ~~amending the Tom Bane Civil Rights Act and to provide a~~  
7 ~~decertification process for peace officers.~~

8

9

10 CORRECTIONS: \_\_\_\_\_

11 Heading—Line 3.

12 \_\_\_\_\_

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