
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 1428 **Hearing Date:** June 27, 2017
Author: Low
Version: March 28, 2017
Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Peace Officers: Transparency*

HISTORY

Source: California Association of Highway Patrolmen
Peace Officer Research Association of California

Prior Legislation: AB 71 (Rodriguez) Ch. 462, Stats. of 2015
AB 619 (Weber) 2015, failed Assembly Appropriations
AB 953 (Weber) Ch. 466, Stats. of 2015

Support: Association for Los Angeles Deputy Sheriffs; Association of Deputy District Attorneys; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotic Officers Association; California Reserve Peace Officers Association; Los Angeles County Probation Officers Union; Los Angeles County Professional Peace Officers Association; Los Angeles Police Protective League; Riverside Sheriffs' Association

Opposition: Alliance for Boys and Men of Color; American Civil Liberties Union; California State Sheriffs' Association; California News Publishers Association; Courage Campaign; PACT: People Acting in Community Together

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to require district attorneys and law enforcement agencies to post information about specified serious uses of force by police officers on the internet. Additionally this bill allows a law enforcement agency to establish a mediation program to resolve biased policing complaints.

Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public. (Pen. Code, § 832.5, subd. (a)(1).)

Existing law allows each department or agency that employs custodial officers, to establish a procedure to investigate complaints by members of the public against those custodial officers employed by these departments or agencies, provided however, that any procedure so established

shall comply with the provisions of this section and with other provisions as specified. (Pen. Code, § 832.5, subd. (a)(2).)

This bill specifies that law enforcement agencies shall make procedures for the investigation of complaints by the public available on a publicly accessible Internet Web site.

This bill states that each department or agency in this state that employs peace officers shall make available for public inspection the rules and procedures that have been adopted by that department or agency for imposing discipline upon, and providing for the administrative appeal of an adverse decision by, a peace officer.

Existing law requires complaints and any reports or findings relating to these complaints be retained for a period of at least five years. (Pen. Code, § 832.5, subd. (b).)

Existing law specifies prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints, as specified, shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law. (Pen. Code, § 832.5, subd. (b).)

Existing law prohibits complaints by members of the public that are determined by the peace or custodial officer's employing agency to be frivolous, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, from being maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the California Public Records Act (Pen. Code, § 832.5, subd. (c).)

Existing law allows a department or agency that employs peace or custodial officers to release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. (Pen. Code, § 832.7, subd. (d).)

Existing law specifies that information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. (Pen. Code, § 832.7, subd. (d).)

Existing law requires the law enforcement agency to provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition. (Pen. Code, § 832.7, subd. (e)(1).)

Existing law states that each law enforcement agency shall annually furnish to the Department of Justice, a report of all instances when a peace officer employed by that agency is involved in any of the following: (Government Code, § 12525.2, subd. (a).)

- An incident involving the shooting of a civilian by a peace officer;
- An incident involving the shooting of a peace officer by a civilian;
- An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death; and