



President
Mr. Dave Warren
City of Placerville

Vice President
Ms. Jose Jasso
City of Rio Vista

Treasurer
Ms. Jen Lee
City of Rio Vista

Secretary
Ms. Jennifer Styczynski
City of Marysville

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND POLICE RISK MANAGEMENT COMMITTEE MEETING AGENDA

DATE / TIME: Thursday, May 6, 2021 at 10:00 a.m.

A - Action
I - Information

LOCATION: Zoom Teleconference
Call-in Number: 669-900-6833
Access Code: 927 8289 1285
Passcode: 083141

1 - Attached
2 - Hand Out
3 - Separate Cover
4 - Verbal

MISSION STATEMENT

The Northern California Cities Self Insurance Fund, or NCCSIF, is an association of municipalities joined to protect member resources by stabilizing risk costs in a reliable, economical and beneficial manner while providing members with broad coverage and quality services in risk management and claims management.

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS

This time is reserved for members of the public to address the Police Risk Management Committee on NCCSIF matters that are of interest to them.

pg. 3 **D. CONSENT CALENDAR**

A 1

All matters listed under the consent calendar are considered routine with no separate discussion necessary. Any member of the public or the Police Risk Management Committee may request any item to be considered separately.

pg. 4 1. Police Risk Management Committee Meeting Minutes - February 11, 2021

E. RISK MANAGEMENT

pg. 8 1. **Police Risk Management Grant Funds**

A 1

Marcus Beverly will provide an update on grant fund usage and budget for FY 21/22.



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pg. 11	2. Legislative Update	I	4
	<i>The Committee will receive an update on some California legislative bills and also H.R. 7120.</i>		
pg. 37	3. Technology Discussion	I	4
	<i>The Committee will discuss their experiences with body cameras, robots, drones, vehicles or other new and/or innovative technology.</i>		
pg. 40	4. Round Table Discussion	I	4
	<i>The floor will be open to Police Risk Management Committee members for any topics or ideas that members would like to address.</i>		
	F. INFORMATION ITEMS	I	1
pg. 43	1. NCCSIF 2020/2021 Organizational Chart		
pg. 44	2. NCCSIF 2020/2021 Meeting Calendar		

G. ADJOURNMENT

UPCOMING MEETING

Police Risk Management Committee Meeting - August 5, 2021

pg. 45	TRAINING SESSION from Noon to 2:00 P.M.
	<i>Impact of AB 392 on Police Criminal and Civil Liability</i>
	<i>Presented by:</i>
	<i>Gregory M. Fox Senior Partner at Bertrand, Fox, Elliot, Osman & Wezel</i>

Per Government Code 54954.2, persons requesting disability related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Jenna Wirkner at Alliant Insurance Services at (916) 643-2741.

The Agenda packet will be posted on the NCCSIF website at www.nccsif.org. Documents and materials relating to an open session agenda item that are provided to the NCCSIF Police Risk Management Committee less than 72 hours prior to a regular meeting will be available for public inspection and copying at 2180 Harvard Street, Suite 460, Sacramento, CA 95815.

Access to some buildings and offices may require routine provisions of identification to building security. However, NCCSIF does not require any member of the public to register his or her name, or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021**

Agenda Item D.

CONSENT CALENDAR

ACTION ITEM

ISSUE: The Police Risk Management Committee (PRMC) reviews items on the Consent Calendar, and if any item requires clarification or discussion a Member should ask that it be removed for separate action. The PRMC should then consider action to approve the Consent Calendar excluding those items removed. Any items removed from the Consent Calendar will be placed later on the agenda during the meeting in an order determined by the Chair.

RECOMMENDATION: Adoption of the Consent Calendar after review by the PRMC.

FISCAL IMPACT: None.

BACKGROUND: The following items are placed on the Consent Calendar for approval. The PRMC may approve the Consent Calendar items as presented, or any individual may request that an item be removed for discussion and separate action may be taken during the meeting.

ATTACHMENT(S): Police Risk Management Committee Meeting Minutes - February 11, 2021



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
POLICE RISK MANAGEMENT COMMITTEE MINUTES
WEBEX TELECONFERENCE
FEBRUARY 11, 2021**

MEMBERS PRESENT

Chief Ryan Kinnan, City of Auburn (Vice-Chair)	Assistant Chief Bobby Davis, City of Elk Grove
Administration Commander Jason Browning, City of Folsom	Chief Doug Lee, City of Lincoln
Chief Brian Kalinowski, City of Galt	Chief Rodney Harr, City of Gridley
Chief Jeff Arnold, City of Ione	Chief Doug Lee, City of Lincoln
Lt. Anthony Borgman, Town of Paradise	Chief Kyle Sanders, City of Red Bluff
Chief Chad Butler, City of Rocklin	

GUESTS & CONSULTANTS

Marcus Beverly, Alliant Insurance Services	Tom Kline, Sedgwick
Jenna Wirkner, Alliant Insurance Services	Dave Beal, Sedgwick
Jose Jasso, City of Rio Vista	

A. CALL TO ORDER

Chief Kyle Sanders called the meeting to order at 9:05 a.m.

B. ROLL CALL

The above members listed were present.

C. PUBLIC COMMENTS

There were no public comments.

D. CONSENT CALENDAR

1. Police Risk Management Committee Meeting Minutes – November 5, 2020

A motion was made to approve the Consent Calendar as presented.

MOTION: Jason Browning
Nays: None

SECOND: Kyle Sanders

MOTION CARRIED

E. RISK MANAGEMENT



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
POLICE RISK MANAGEMENT COMMITTEE MINUTES
WEBEX TELECONFERENCE
FEBRUARY 11, 2021**

E.1. Police Risk Management Grant Funds

Marcus Beverly reviewed the Police Risk Management Grant Funds for NCCSIF. The Board has allocated \$50,000 in funds each year for the last seven years primarily for body worn cameras. If members currently have cameras they can use the funds for other risk management items including personal protective equipment, fitness equipment and counseling support. NCCSIF encourages the use of cameras and it is becoming more common when incidents occur for the video to be shared right away.

Members discussed continuing to the Grant Funds for the 2021-2022 year.

A motion was made to recommend to the Executive Committee to continue the program and allocate \$50,000 for the Police Risk Management Grant Funds.

MOTION: Chad Butler
Nays: None

SECOND: Doug Lee

MOTION CARRIED

E.2. Legislative Spotlight

Tom Kline from Sedgwick discussed assembly bills that relate to Law Enforcement. The Legislature started on January 11th and it's still early.

- **AB 953** – Weber. Law enforcement: racial profiling.
- **AB 392** – Weber. Peace officers: deadly force. NCCSIF will be hosting a training on AB 392 after the May 6th PRMC Meeting, all members are welcome.

Mr. Kline will start reviewing the bills and share the bills that are most significant.

Members are encouraged to share any laws they would like to see discussed with the Program Administrators and Tom Kline.

E.3. Technology Discussion

Tom Kline gave an update on technology available to Police Departments.

Ben Laird is the President of Frontline Public Safety Solutions. Mr. Laird will be doing a presentation on Frontline Public Safety Solutions after the August 6th PRMC Meeting. The Frontline Public Safety Solutions chooses random videos to review with Officers. This internal system can be used to influence good behavior and actions. Members discussed the potential cost of Frontline Public Safety Solutions.



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
POLICE RISK MANAGEMENT COMMITTEE MINUTES
WEBEX TELECONFERENCE
FEBRUARY 11, 2021**

Marcus Beverly discussed the Iapro software with members and the similarities to Frontline Public Safety Solutions. Members discussed the potential cost of Frontline Public Safety Solutions.

Mr. Kline gave a brief overview on the Veritone Redaction Software. This is meant to save time in preparing videos for distribution to the public.

Members discussed the Veritone redaction product and that it has been and very helpful to review video footage. They worked with the City and were able to negotiate the price for the size of the department and needs.

E.4. Round Table Discussion

Mr. Kline discussed the upcoming trainings for the PRMC. We can have Ben Laird present a brief overview of the Frontline Public Safety Solutions during the August meeting.

Mr. Kline discussed a few topics he has found regarding Law Enforcement and Policing.

- Alliance for Safe Traffic Stops, partnering with law enforcement officers to train communities on safe traffic stop procedures.
- Reducing Risk through Community- Oriented Policing
- Directed Patrol Enhances Communication- the Salinas Police Department has recently implemented foot patrols in Old Town and the Salinas United Business association district in East Salinas. Officers are assigned to walk these areas throughout the day to enhance communication.

Marcus Beverly discussed the reporting required by April 2023 and what would help members be prepared for the reporting requirement.

Members would like Aviv Redlich to present a software solution for reporting prior to the November meeting

F. INFORMATION ITEMS

1. NCCSIF 2020-21 Organizational Chart
2. NCCSIF 2020-21 Meeting Calendar

These items were provided as information only.

G. ADJOURNMENT

The meeting was adjourned at 9:45 a.m.



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
POLICE RISK MANAGEMENT COMMITTEE MINUTES
WEBEX TELECONFERENCE
FEBRUARY 11, 2021**

Next Meeting Date: May 6th, 2021

Respectfully Submitted,

Jennifer Styczynski, Secretary

Date



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021**

Agenda Item E.1.

POLICE RISK MANAGEMENT GRANT FUNDS

INFORMATION ITEM

ISSUE: The Grant Funds Historic Usage Report is included to ensure members are aware of the available grants for their agencies.

The Board recently approved the preliminary budget with the grant fund program included for FY 21/22. Both the Police Risk Management Committee (PRMC) and the Risk Management Committee recommended maintaining the grant funding for FY 21/22 with the same terms regarding use of the funds for Body Worn Camera (BWC) programs or, if the Member's program is fully operational, for other risk management needs.

RECOMMENDATION: Provide feedback and recommendations regarding grant use.

FISCAL IMPACT: Funding at \$50,000 for FY 20/21.

BACKGROUND: Over the last seven years, the Board has approved a total of \$350,000 in grant funds for police risk management. The first year, FY 14/15, a budget of \$50,000 was used to purchase 58 body cameras directly from VieVu at a quantity discount. The FY 15/16 and FY 16/17 budgets of \$50,000 were allocated directly to the members to fund their body camera programs. Since that time if the body camera program at an agency is in place the member has the option to use the grant funds for other safety and risk management uses such as data collection, ballistic vests, load-bearing vests, and wellness programs including Cordico. The PRMC made a recommendation to the Board on the grant funding for police for FY 21/22.

ATTACHMENT(S):

1. Police Risk Management Grant Funds Historic Usage Report
2. Police Risk Management Grant Request Form

NCCSIF POLICE RISK MANAGEMENT GRANT FUNDS HISTORIC USAGE REPORT

		FY 14/15 \$50,000 Grant Camera Allocation	FY 15/16 \$50,000 Grant Fund Allocation	FY 16/17 \$50,000 Grant Fund Allocation	FY 17/18 \$50,000 Grant Fund Allocation	FY 18/19 \$50,000 Grant Fund Allocation	FY 19/20 \$50,000 Grant Fund Allocation	FY 20/21 \$50,000 Grant Fund Allocation	TOTAL GRANTS	YTD Reimbursements Made	REMAINING FUNDS 4/14/21	Reimbursement Notes/Plan Usage
1	Anderson	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090		\$9,090	
2	Auburn	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$18,118	\$62	9/8/17 \$3,029.18 (4 VieVu LE4mini & 1 multi-dock LE4) 2/5/19 \$2,810.26 portion of invoice (16 VieVu LE5 body worn cameras)
3	Colusa	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$3,030	\$6,060	7/27/17 \$3,030 (concealable vests with load bearing carriers)
4	Corning	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$5,592	\$3,498	9/6/16 \$3,291.26 (4 VieVu LE4 body cameras) 2/15/19 \$2,301.12 firewall
5	Dixon	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$15,926	\$2,254	rotatable camera head and 32GB memory) 6/1/18 \$2,934.38 (3 Wolfcom Vision 1080p body camera + training cost for force options simulator) 3/6/20 \$2,631.63 (5 Wolfcom Body Camera + 1 docking port) 8/26/20 IA PRO Program
6	Elk Grove*	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$15,150	\$3,030	1/11/18 \$9,090 (WatchGuard Vista HD body cameras) 3/20/19 \$3,030 (portion of Cordico Wellness Program) 11/4/19 \$3,030 (portion of 2019 BWC purchase/Vista HD)
7	Folsom	5	\$3,788	\$3,788	\$3,788	\$3,788	\$3,788	\$3,788	\$22,725	\$22,725	\$0	10/5/16 \$7,576 (8 VieVu LE4 body camera and 1 multi-dock network station) 12/16/20 \$15,150 lapro software
8	Galt	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180		\$18,180	1/25/18 Plan to use fund /BWC program under consideration
9	Gridley	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$4,543	\$4,547	3/28/18 \$1,252 (one VieVu LE5 camera and seven Public Safety Vests)
10	Ione	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$4,626	\$4,464	9/8/17 \$1,736.24 balance (2 VieVu LE4 body cameras and 2 LE4 Cradle) 5/21/18 \$1,234.14 (2 VieVu LE5 body camera and license for
11	Jackson	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$9,090	\$0	4/20/20 Jackson PD in process of acquiring new body cams. 1/7/2021 \$9,090 Vista HD Wearable Camera User Guide
12	Lincoln	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$18,181	(\$1)	10/5/16 \$6,060 (8 VieVu LE4 body cameras) 2/25/21 \$11,632 (14 Watchguard body worn cameras)
13	Marysville	3	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$13,635	\$4,920	\$8,715	8/18/17 \$4,919.87 (6 VieVu LE4 body cameras)
14	Nevada City	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$7,575	\$0	2017) 7/15/19 \$1,515 (Axon Body Camera Storage) 4/17/20 \$1,515.00 (Body Camera Storage Fees) 3/31/21 \$1,515.00 (Body Camera Storage Fees)
15	Oroville	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$12,120	\$6,060	9/23/16 \$3,010 (Video Storage Buffalo Terastation) 10/5/16 \$3,050 (5 VieVu LE4 body cameras) 11/20/17 \$1,174.00 (1 Tactical Armor-Ballistic Vest) 9/4/18 \$4,886 (20 VieVu LE5s body cameras)
16	Paradise	3	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$13,635	\$9,141	\$4,494	dock station) 3/14/17 \$2,305.58 (Ballistic Vests) 5/3/19 \$1,895.50 (five load bearing vests)
17	Placerville*	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$8,723	\$367	12/28/17 \$3,970.32 (4 Tactical Armor-Ballistic Vests) 10/3/19 \$3,674.75 (Fitness Equipment) 11/18/20 \$1,077.49 (Treadmill)
18	Red Bluff	3	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$2,273	\$13,635	\$4,545	\$2,276	10/18/17 \$3,071.26 (5 VieVu LE4 body cameras) 1/25/18 Plan to use to purchase more BWC & future funds to replace old cameras.
19	Rio Vista	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$4,241	\$4,849	11/16/17 \$4,241.15 (9 VieVu LE5 body cameras)
20	Rocklin	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$18,180	\$0	10/5/16 \$6,060 (8 VieVu LE4 body cameras; 1 LE4 multi-dock; 1 LE5 multi-dock) 1/3/19 \$5,603.76 (58 Lenslock bwc cameras and 25 in car dash cameras) 11/9/20 \$6,060 (Lenslock software)
21	Willows	2	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$1,515	\$9,090	\$4,260	\$4,830	6/18/18 \$2,130 for 18/19 Lexipol-Fire Policy Service annual fee 7/2/19 \$2,130 for 19/20 Lexipol-Fire Policy Service annual fee
22	Yuba City	4	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$3,030	\$18,180	\$6,060	\$12,120	5/5/17 \$6,060 (Data911 body-worn cameras)
	TOTAL	58	\$49,995	\$49,995	\$49,995	\$49,995	\$49,995	\$49,995	\$299,970	\$196,746	\$94,895	

*Opted for Cash Allocation to purchase other than VieVu Camera
Fund Allocation is based on cost of camera at \$757.50 each



POLICE RISK MANAGEMENT GRANT REQUEST FORM

Member Entity Name: _____

Submitted by: _____ Submission Date: _____

Available Funds: _____ Requested Funds: _____

Please use the following lines to describe the proposed use for your funds, and be sure to attach any applicable backup data such as purchase order, receipts, etc.

(If additional room is needed, please attach separate sheet.)

Check Payable to: _____

Mail Check to: _____

Signature: _____ Date: _____

Please e-mail the completed form to: Jenna Wirkner at Jenna.Wirkner@alliant.com

STAFF USE ONLY

Program Administrator Approval: _____

Total Amount Subject to Reimbursement: \$ _____



BACK TO AGENDA

Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021

Agenda Item E.3.

LEGISLATION UPDATE

INFORMATION ITEM

ISSUE: There were many bills introduced in the California Legislature 2020-2021 Regular Session that if signed into law will affect police agencies. There is also the United States House of Representatives bill H.R. 7120 that has been passed by the House and then moved to the Senate.

RECOMMENDATION: Information only.

FISCAL IMPACT: None.

BACKGROUND: The Program Administrators continue to monitor the impact of these new bills as they make their way through the legislative process.

ATTACHMENT(S):

1. AB 26, as amended, Holden. Peace officers: use of force
2. AB 270, as introduced, Ramos. Core Behavioral Health Crisis Services System
3. AB 594, as amended, McCarty. Law enforcement policies
4. AB 603, as introduced, McCarty. Law enforcement settlements and judgments: reporting
5. AB 931, as amended, Villapudua. Peace officer training: duty to intercede
6. AB 958, as amended, Gipson. Peace officers: law enforcement cliques
7. H.R. 7120 George Floyd Justice in Policing Act of 2020

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AB-26 Peace officers: use of force. (2021-2022)

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Date Published: 03/25/2021 09:00 PM

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 26**Introduced by Assembly Member Holden****December 07, 2020**

An act to amend Sections 1029 and 7286 of the Government Code, ~~and to add Section 34 to the Penal Code,~~ relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as amended, Holden. Peace officers: use of force.

(1) Existing law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Existing law requires that policy, among other things, to require that officers report potential excessive

force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified.

This bill would require those law enforcement policies to require those officers to immediately report potential excessive force, and to intercede when present and observing an officer using excessive force, as defined. The bill would additionally require those policies to, among other things, prohibit retaliation against officers that report violations of law or regulation of another officer to a supervisor, as specified, and to require that an officer who fails to intercede be disciplined in the same manner as the officer who used excessive force. By imposing additional duties on local agencies, this bill would create a state-mandated local program.

(2) Existing law disqualifies specified persons from being a peace officer, including, among others, any person convicted of a felony.

This bill would also disqualify a person from being a peace officer if they have been found by a law enforcement agency that employees them to have either used excessive force that resulted in great bodily injury or death or to have failed to intercede in that incident as required by a law enforcement agency's policies.

~~(3) Existing law makes all persons concerned in the commission of a crime, whether they directly commit the act constituting the offense, or aid and abet in its commission, principals in that crime.~~

~~This bill would make a peace officer who is present and observes another peace officer using excessive force, and fails to report the use of excessive force to a superior officer, an accessory in any crime committed by the other officer during the use of excessive force. By creating a new crime, this bill would create a state-mandated local program.~~

~~(4) 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.~~

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1029 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

(8) Any person who has been found by a law enforcement agency that employs them to have either used excessive force that resulted in great bodily injury or the death of a member of the public or to have failed to intercede in that incident, as required pursuant to paragraph (9) of subdivision (b) of Section 7286.

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

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

(c) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be

employed as a parole officer of the Department of Corrections or the Department of the Youth Authority, or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which the person was convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority, or a county probation department, may refuse to employ that person regardless of the person's qualifications.

(d) This section does not limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(e) This section does not prohibit any person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

SEC. 2. Section 7286 of the Government Code is amended to read:

7286. (a) For the purposes of this section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, the discharge of a firearm.

(2) "Excessive force" means a level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law, statute, regulation, or policy of the employing law enforcement agency.

(3) "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

(4) "Intercede" includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.

(5) "Law enforcement agency" means any police department, sheriff's department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice.

(6) "Retaliation" means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or

intimidation, harassment, or the threat of injury while on duty or off duty.

(b) Each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall include all of the following:

(1) A requirement that officers utilize deescalation techniques, crisis intervention tactics, and other alternatives to force when feasible.

(2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

(3) A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.

(4) A prohibition on retaliation against an officer that reports a suspected violation of a law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation.

(5) Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.

(6) A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

(7) Procedures for disclosing public records in accordance with Section 832.7.

(8) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.

(9) A requirement that an officer intercede when present and observing another officer using excessive force.

(10) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.

(11) An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.

(12) Comprehensive and specific guidelines for the application of deadly force.

(13) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Section 12525.2.

(14) The role of supervisors in the review of use of force applications.

(15) A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.

(16) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.

- (17) Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
- (18) Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated.
- (19) A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to paragraph (9) be disciplined in the same manner as the officer that committed the excessive force.
- (20) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.
- (21) Factors for evaluating and reviewing all use of force incidents.
- (22) Minimum training and course titles required to meet the objectives in the use of force policy.
- (23) A requirement for the regular review and updating of the policy to reflect developing practices and procedures.
- (c) Each law enforcement agency shall make their use of force policy adopted pursuant to this section accessible to the public.
- (d) This section does not supersede the collective bargaining procedures established pursuant to the Myers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4), the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4), or the Higher Education Employer-Employee Relations Act (Chapter 12 (commencing with Section 3560) of Division 4).

~~SEC. 3. Section 34 is added to the Penal Code, to read:~~

~~34. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is present and observes another peace officer using excessive force, and fails to report the excessive use of force to a superior officer, is an accessory under Section 33 in any crime committed by the other officer during the use of excessive force.~~

~~SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

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

SEC. 3. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*


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AB-270 Core Behavioral Health Crisis Services System. (2021-2022)

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Date Published: 01/19/2021 09:00 PM

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

ASSEMBLY BILL

NO. 270

Introduced by Assembly Member Ramos

January 19, 2021

An act to add Article 6.2 (commencing with Section 53124) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to behavioral health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 270, as introduced, Ramos. Core Behavioral Health Crisis Services System.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits "911" to be the primary emergency telephone number within the system.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law specifies that county mental health services should be organized to provide immediate response to individuals in precrisis and crisis and to members of the individual's support system, on a 24-hour, 7-day-a-week basis and authorizes provision of crisis services offsite as mobile services.

Existing federal law, the National Suicide Hotline Designation Act, designated the three-digit telephone number "988" as the universal number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Abuse and the Veterans Crisis Line maintained by the Secretary of Veterans Affairs.

This bill would create the Core Behavioral Health Crisis Services System, using the digits "988" for the 988 Suicide Prevention and Behavioral Health Crisis Hotline, in compliance with existing federal law and standards governing the National Suicide Prevention Lifeline. The bill would require the department, as defined, to take specified actions to implement the hotline system. The bill would require the department to charge a fee on each resident of the state that is a subscriber of commercial mobile or IP-enabled voice services to pay for the costs of the program. The bill would create the 988 Fund, a new continuously appropriated fund, and would require the fees to be deposited along with other specified moneys into the 988 Fund. By creating a new continuously

appropriated fund and establishing a fee as a new source of revenue for the continuously appropriated fund, the bill would make an appropriation.

The bill would also require local jurisdictions, in collaboration with the department, to create Mobile Crisis Teams, as specified, to provide onsite response services to crisis calls made through the hotline. By imposing this new requirement on local jurisdictions, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 6.2 (commencing with Section 53124) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6.2. Core Behavioral Health Crisis Services System

53124. For purposes of this article, the following terms have the following meanings:

(a) "988 Crisis Hotline Center" means a state-identified and funded center participating in the National Suicide Prevention Lifeline network to respond to statewide or regional 988 calls.

(b) "Crisis receiving and stabilization services" means facilities providing short-term observation for less than 24 hours and crisis stabilization services to all referrals in a home-like environment.

(c) "Department" means the Office of Suicide Prevention within the State Department of Public Health, to the extent that funding is available for the operation of the Office of Suicide Prevention. In the absence of the necessary funding for the Office of Suicide Prevention, as determined by the State Department of Public Health, "department" means the State Department of Health Care Services, in coordination with the Office of Emergency Services.

(d) "Federal Communications Commission" or "Commission" means the independent United States agency overseen by Congress that regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia, and United States territories. The Commission is the United States' primary authority for communications law, regulation, and technological innovation.

(e) "Mobile Crisis Team" means a team providing professional onsite community-based intervention for an individual who is experiencing a behavioral health crisis.

(f) "National Suicide Prevention Lifeline" or "NSPL" means the national network of local crisis centers that provide free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

(g) "Peer" means an individual employed on the basis of their personal lived experience of mental illness or addiction and recovery who meets the state's peer certification requirements, if applicable.

(h) "Substance Abuse and Mental Health Services Administration" or "SAMHSA" means that agency within the United States Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation.

(i) "988 Suicide Prevention and Behavioral Health Crisis Hotline" means the National Suicide Prevention Lifeline or its successor maintained by the Assistant Secretary for Mental Health and Substance Use under Section 520E-3 of the Public Health Service Act (42 U.S.C. 290bb-36c).

(j) "Veterans Crisis Line" or "VCL" means Veterans Crisis Line maintained by the Secretary of Veterans Affairs under subdivision (h) of Section 1720F of Title 38 of the United States Code.

(k) "Uninsured" means an individual is not covered by any of the following types of health care coverage:

(1) Medi-Cal.

(2) Medicare.

(3) A health care service plan contract or health insurance policy that covers crisis stabilization services.

53124.1. (a) The department shall, prior to July 16, 2022, designate a 988 Crisis Hotline Center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988 Suicide Prevention and Behavioral Health Crisis Hotline from any jurisdiction within California 24 hours a day, 7 days a week. The 988 Crisis Hotline Center or centers shall meet all of the following requirements:

(1) A designated 988 Crisis Hotline Center shall have an active agreement with the administrator of the National Suicide Prevention Lifeline (NSPL) for participation within the network.

(2) A designated 988 Crisis Hotline Center shall meet NSPL requirements and best practices guidelines for operational and clinical standards.

(3) To ensure cohesive, coordinated crisis care, a designated 988 Crisis Hotline Center shall utilize technology that is interoperable between and across crisis and emergency response systems used throughout the state, including, but not limited to, 911, emergency medical services (EMS), and other nonbehavioral health crisis services.

(4) A designated 988 Crisis Hotline Center shall have the authority to deploy crisis and outgoing services, including mobile crisis teams, and coordinate access to crisis receiving and stabilization services, as appropriate, and according to guidelines and best practices established by the NSPL.

(5) A designated 988 Crisis Hotline Center shall coordinate access to crisis receiving and stabilization services for individuals accessing the 988 Suicide Prevention and Behavioral Health Crisis Hotline through appropriate information sharing regarding availability of services.

(6) A designated 988 Crisis Hotline Center shall meet the requirements set forth by NSPL for serving high-risk and specialized populations as identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), including training requirements and policies for transferring hotline callers to an appropriate specialized center or subnetworks within, or external to, the NSPL network.

(7) A designated 988 Crisis Hotline Center shall provide followup services to individuals accessing the 988 Suicide Prevention and Behavioral Health Crisis Hotline consistent with guidance and policies established by the NSPL.

(b) The department shall use its authority to promulgate rules and regulations to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services and linked, flexible services specific to crisis response.

(c) The department having primary oversight of suicide prevention and crisis service activities and essential coordination with designated 988 Crisis Hotline Centers shall work in concert with the NSPL and VCL networks for the purposes of ensuring consistency of public messaging about 988 services.

(d) The department shall annually submit a report to the Legislature and SAMHSA on the usage of the 988 Suicide Prevention and Behavioral Health Crisis Hotline and the services provided by the designated 988 Crisis Hotline Centers.

53124.2. (a) A local jurisdiction, in collaboration with the department, shall create Mobile Crisis Teams to provide onsite response services to crisis calls.

(b) The Mobile Crisis Teams shall be any of the following:

(1) Jurisdiction-based behavioral health teams that include licensed behavioral health professionals and peers.

(2) Behavioral health teams embedded in emergency medical services (EMS) that include peers.

(3) Police department-based corresponder behavioral health teams including peace officers, licensed behavioral health professionals, and peers.

53124.3. The department shall fund treatment for crisis receiving and stabilization services as related to the 988 Suicide Prevention and Behavioral Health Crisis Hotline call according to the following:

(a) Crisis receiving and stabilization services as related to the 988 Suicide Prevention and Behavioral Health Crisis Hotline call shall be funded by the department if the individual meets the definition of uninsured in subdivision (k) of Section 53124, or if the crisis receiving and stabilization service is not a covered service by the individual's health coverage.

(b) The department shall determine how payment will be made to the provider.

53124.4. (a) The 988 Fund is hereby created in the State Treasury for the purposes of creating and maintaining a statewide 988 Suicide Prevention and Behavioral Health Crisis Hotline system, pursuant to the National Suicide Hotline Designation Act of 2020, the Federal Communication Commission's rules adopted July 16, 2020, and national guidelines for crisis care.

(b) The 988 Fund shall consist of moneys from any of the following sources:

(1) The statewide 988 fee assessed on users pursuant to Section 53124.5.

(2) Appropriations made by the Legislature for the purposes of this article.

(3) Grants and gifts intended for deposit in the fund.

(4) Interest, premiums, gains, or other earnings on the 988 Fund.

(5) Money from any other source that is deposited in or transferred to the 988 Fund.

(c) Moneys allocated to the department for the 988 Suicide Prevention and Behavioral Health Crisis Hotline system in a fiscal year that are not encumbered by the department in that fiscal year shall revert to the 988 Fund.

(d) Moneys in the 988 Fund shall not be subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose outside of those specified in Section 53124.5.

(e) The 988 Fund shall be continuously appropriated for the purposes of this article.

(f) The department shall annually submit a report to the Legislature and the Federal Communications Commission on the 988 Fund deposits and expenditures.

53124.5. (a) The department, in compliance with the National Suicide Hotline Designation Act of 2020, shall establish a monthly statewide 988 fee on each resident that is a subscriber of commercial mobile or IP-enabled voice services at a rate that provides for the robust creation, operation, and maintenance of a statewide 988 Suicide Prevention and Behavioral Health Crisis Hotline system and the continuum of services provided pursuant to national guidelines for crisis services.

(b) The revenue generated by a 988 fee shall be sequestered in trust, as specified in Section 53124.4, to be obligated or expended only in support of 988 Suicide Prevention and Behavioral Health Crisis Hotline system services, or enhancements of such services.

(c) The revenue generated by a 988 fee shall only be used to offset costs that are, or will be reasonably attributed to, any of the following:

(1) Primarily ensuring the efficient and effective routing of calls made to the 988 Suicide Prevention and Behavioral Health Crisis Hotline to the designated 988 Crisis Hotline Center or centers, including staffing and technological infrastructure enhancements necessary to achieve operational and clinical standards and best practices set forth by the National Suicide Prevention Lifeline.

(2) Personnel and the provision of acute behavioral health, crisis outreach, and stabilization services by directly responding to the 988 Suicide Prevention and Behavioral Health Crisis Hotline.

(3) Administration, oversight, and evaluation of the 988 Fund.

(d) The department shall annually submit a report to the Legislature and the Federal Communications Commission on the revenue generated by the 988 fee.

53124.6. The department shall create boards or committees composed of stakeholders, including consumers, or assign tasks to existing boards or committees composed of stakeholders, including consumers, to accomplish the planning required for implementation or ongoing oversight of this article in coordination with designated 988 Crisis Hotline Centers and the National Suicide Prevention Lifeline.

53124.7. The department shall establish timeframes to accomplish the provisions of this article that are consistent with the timeframes required by the National Suicide Hotline Designation Act of 2020 and the Federal Communication Commission's rules adopted on July 16, 2020.

SEC. 2. Notwithstanding Section 13340 of the Government Code, the 988 Fund is hereby continuously appropriated without regard to fiscal years for the purposes of this article.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


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AB-594 Law enforcement policies. (2021-2022)

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Date Published: 03/16/2021 09:00 PM

AMENDED IN ASSEMBLY MARCH 16, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 594

Introduced by Assembly Member McCarty

February 11, 2021

An act to amend the heading of Chapter 17.4 (commencing with Section 7286) of Division 7 of Title 1 of, and to add Section 7287 to, the Government Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as amended, McCarty. Law enforcement policies.

Under existing law, a peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person, or to apprehend a fleeing felon, as specified.

Existing law requires each law enforcement agency to maintain a policy that provides guidelines on the use of force, and to annually furnish specified information to the Department of Justice regarding the use of force by peace officers employed by that agency.

Existing law requires the Attorney General to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as specified.

This bill would, for ~~specified~~ **deadly** use of force incidents other than those required to be investigated by the Attorney General, require an agency to cause a criminal investigation of these incidents to be conducted, and would prohibit a law enforcement agency from **having primary responsibility for** conducting the criminal investigation into those incidents involving an officer employed by that agency. This bill would instead provide alternative protocols for investigations of those incidents, including investigation by the district attorney's office, another law enforcement agency, or a **multidisciplinary and** multiagency task force. The bill would specify that these requirements apply only to a criminal investigation and not to any administrative or disciplinary investigation. The bill would also require each agency to adopt a written policy, or amend their existing written policy on the criminal investigation of officer-involved **deadly** use of force incidents, to be compliant with the requirements of this bill, and to make that policy available to the public, as specified.

By placing new requirements on local law enforcement agencies, this bill would impose a state mandate.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Chapter 17.4 (commencing with Section 7286) of Division 7 of Title 1 of the Government Code is amended to read:

CHAPTER 17.4. Law Enforcement Use of Force Policies and Investigations

SEC. 2. Section 7287 is added to the Government Code, to read:

7287. (a) Except for those incidents required to be investigated by a state prosecutor pursuant to Section ~~15252.3, 12525.3,~~ a law enforcement agency shall cause a criminal investigation of ~~a~~ *deadly* use of force incidents to be conducted by either of the following means:

(1) By an outside ~~agency~~ *agency*, including a police department, sheriff's department, or district attorney's office, with which the employing agency has a memorandum of understanding or similar agreement to conduct ~~such~~ *deadly use of force* investigations, or ~~which~~ *that* has primary jurisdiction to investigate the incident.

(2) By a *multidisciplinary and* multiagency task force composed of representatives from various law enforcement agencies within the county or region ~~for the purpose of investigating use of force incidents. with which the employing agency has a memorandum of understanding or similar agreement to conduct deadly use of force investigations.~~

(b) Under no circumstances shall the employing agency ~~conduct~~ *have primary responsibility in conducting* the criminal investigation described in subdivision (a).

(c) This section does not limit the authority of an agency to conduct an administrative or disciplinary investigation of any *deadly* use of force incident separately from the criminal investigation.

(d) Each law enforcement agency shall, by no later than January 1, 2023, adopt a written policy or amend its existing written policy regarding the criminal investigation of officer-involved *deadly* use of force incidents, to be compliant with this section and shall make that policy available to the public on its internet website.

(e) As used in this section, the following terms have the following meanings:

(1) "Criminal investigation" means an investigation that is conducted to determine if a violation of state law *was committed* by a peace officer involved in a ~~shooting was committed. deadly use of force incident.~~

(2) "Law enforcement agency" means any police department, sheriff's department, or agency of the state or any political subdivision thereof that employs peace officers.

(3) ~~"Use-~~*Deadly use* of force incident" means any use of force by an officer that results in ~~death, any use of an electronic control device or chemical agent by an officer that results in great bodily injury, or any discharge of a firearm by an officer that results in any injury.~~ *death.*

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


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AB-603 Law enforcement settlements and judgments: reporting. (2021-2022)

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Date Published: 02/11/2021 09:00 PM

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

ASSEMBLY BILL

NO. 603

Introduced by Assembly Member McCarty

February 11, 2021

An act to add Section 12525.4 to the Government Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as introduced, McCarty. Law enforcement settlements and judgments: reporting.

Existing law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. Existing law also establishes the Department of the California Highway Patrol within the Transportation Agency.

This bill would require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, information on bonds used to finance use of force settlement and judgment payments, and premiums paid for insurance against settlements or judgments resulting from allegations of improper police conduct. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol. By increasing requirements for local governments, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) On May 25, 2020, George Floyd was murdered by Minneapolis police when an officer held his knee on his neck for 8 minutes and 46 seconds, resulting in his death.

(b) The outcry over this murder has resulted in demands for police reform across the state and the nation.

(c) For decades, Californians have experienced horrific civil rights violations, injuries and death at the hands of peace officers.

(d) These incidents often result in civil lawsuits and payouts made by cities, counties, and the state to the civilians harmed by the actions of police officers, sheriffs' deputies, and other peace officers. These settlements and judgments are often agreed to in closed sessions at city council and board of supervisors meetings, and settlements can range between thousands and millions of dollars.

(e) Despite the burden these payouts have on local jurisdictions, there is little publicly available information about the costs to taxpayers of law enforcement liability, the manner in which governments budget for and pay lawsuits involving law enforcement, and the financial impact of these arrangements on law enforcement agency budgets.

(f) Throughout the country, municipalities with the 20 largest police departments paid over \$2 billion since 2015 in misconduct claims. Of those 20 municipalities, four are located in California. The County of Los Angeles paid \$238,300,000, the City of Los Angeles paid \$172,200,000, the City of San Francisco paid \$22,000,000, and the City of San Diego paid \$12,500,000.

(g) State law stipulates that individual officers do not pay towards these settlements. Instead, these settlements typically come from the general fund of the municipality involved, or if the law enforcement agency itself pays, then it is part of a specific budget line item set aside for settling officer misconduct litigation. Municipal budgets allocate funds to their law enforcement agencies with the expectation that they will be financially liable for their wrongdoing, year over year.

(h) Cities and counties typically use liability insurance or general obligation bonds procured by the municipality or state to pay for police settlements. Cities and counties pay annually for liability insurance, which is also used to cover trip-and-fall injuries and workers' compensation claims, to cover the costs of settlements involving police misconduct, brutality, or death of a civilian by a peace officer.

(i) In 2019, the City of Sacramento paid an insurance company \$2,000,000 in taxpayer dollars to secure up to \$35,000,000 for settlements and judgments. Among the payouts made in 2019 was the city's largest ever settlement, involving \$5,200,000 for a man who was so brutally beaten by a police officer that he requires intensive, life-long medical care.

(j) In 2017, the Los Angeles Police Department cost taxpayers \$80,000,000 settling lawsuits involving officer misconduct. Similarly, the County of Los Angeles paid out over \$50,000,000 in misconduct claims from 2015 to 2016, inclusive, the majority of which were excessive force claims. Shootings alone cost the County of Los Angeles \$60,000,000 between 2011 to 2016, inclusive.

(k) During the 2018–19 fiscal year, the County of Los Angeles paid over \$16,000,000 in judgments against the Sheriff's Department, another \$30,000,000 in settlements against the department, and incurred an additional \$80,000,000 in litigation expenses on behalf of the department. According to the county's annual report, "six of the nine most expensive settlements in FY 2018–19 stemmed from Law Enforcement excessive-force shooting fatalities involving the Sheriff's Department."

(l) In addition to liability insurance, the board of supervisors or city council can authorize a general obligation bond to pay for these incidents of police misconduct and brutality. These types of general obligation bonds are so common that they are called Police Brutality Bonds by the Wall Street firms who profit from them. These bonds are paid for by taxpayers and take years to pay off due to additional fees and high interest rates.

(m) In 2009 and 2010, the City of Los Angeles issued \$71,400,000 in Police Brutality Bonds. Banks and other private firms collected more than \$1,000,000 in issuance fees on these two bonds. By the time these bonds are paid off, taxpayers will have handed over more than \$18,000,000 to investors—allowing Wall Street to profit from the death or serious injury of a civilian at the hands of a police officer.

(n) Therefore, it is the intent of the Legislature to enact legislation to establish transparency requirements surrounding police use of force settlements and judgments against police and sheriff's departments and the Department of the California Highway Patrol.

SEC. 2. Section 12525.4 is added to the Government Code, to read:

12525.4. (a) (1) On or before February 1 of each year, each municipality shall post on its internet website how much it spent on law enforcement settlements and judgments during the previous year, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment, broken down by individual settlement or judgment.

(2) For each action posted, the municipality shall include all of the following information:

(A) The court in which the action was filed.

(B) The name of the law firm representing the plaintiff.

(C) The name of the law firm or agency representing each defendant.

(D) The date the action was filed.

(E) Whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

(F) If the action has been resolved, the date on which it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff by the city, and, if so, the amount of the payment.

(3) If any settlements or judgments are paid for using municipal bonds, the municipality shall post on its internet website the amount of the bond, the time it will take the bond to mature, interest and fees paid on the bond, and the total future cost of the bond.

(4) The municipality shall also post on its internet website the amount of any settlements or judgments that were paid by insurance, broken down by individual settlement or judgment, and the amount of any premiums paid by the municipality for insurance against settlements or judgments resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

(b) (1) On or before February 1 of each year, the Transportation Agency shall post on its internet website how much it spent on settlements and judgments during the previous year obtained against the Department of the California Highway Patrol, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment, broken down by individual settlement or judgment.

(2) For each action posted, the agency shall include all of the following information:

(A) The court in which the action was filed.

(B) The name of the law firm representing the plaintiff.

(C) The name of the law firm or agency representing each defendant.

(D) The date the action was filed.

(E) Whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

(F) If the action has been resolved, the date on which it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff, and, if so, the amount of the payment.

(3) If any settlements or judgments are paid for using bonds, the agency shall post on its internet website the amount of the bond, the time it will take the bond to mature, interest and fees paid on the bond, and the total future cost of the bond.

(4) The agency shall also post on its internet website the amount of any settlements or judgments against the Department of the California Highway Patrol that were paid by insurance, broken down by individual settlement or judgment, and the amount of any premiums paid by the agency or department for insurance against settlements or judgments resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

(c) For purposes of this section, "municipality" means a city, county, or city and county with a police department or a sheriff's department.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


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AB-931 Peace officer training: duty to intercede. (2021-2022)

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Date Published: 04/08/2021 09:00 PM

AMENDED IN ASSEMBLY APRIL 08, 2021

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 931

Introduced by Assembly Member Villapudua

February 17, 2021

An act to amend Section 13519.10 of the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

AB 931, as amended, Villapudua. Peace officer training: duty to intercede.

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training. Existing law requires the course or courses of the regular basic course for law enforcement officers to include, among other things, training on the duty to intercede.

This bill would require the commission ~~to model that training on the duty to intercede on a specified program, and would require the training to include both classroom instruction and extensive simulator-based training or live scenario-based training.~~ *to develop training on the duty to intercede, to include, among other elements, a robust discussion of the science of active bystandership.* The bill would additionally require every law enforcement officer to complete an updated course of instruction on the duty to intercede every 2 years. By imposing additional training costs on local law enforcement agencies, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) This act shall be known, and may be cited, as the 2021 ~~Active Bystandership for Law Enforcement Training Program~~ *Intervention Training for Law Enforcement Program*.

(b) The Legislature finds and declares all of the following:

(1) President Obama's Task Force on 21st Century Policing found that teaching police peer intervention has a powerful influence on encouraging and supporting officers to intervene and prevent their colleagues from committing acts of serious misconduct and criminal behavior.

(2) Police intervention and peer intervention training in law enforcement is seldom offered to law enforcement officers.

(3) The Active Bystandership for Law Enforcement (*ABLE*) (*registered trademark*) program was developed by *Georgetown University Law Center* to catalyze cultural shifts in how ~~its officers proactively intervened law enforcement officers proactively intervene~~ to reduce the likelihood of ~~constitutional and statutory violations of citizens' rights~~ *harm to community members and officers*.

(4) This police intervention and peer intervention training is rooted in the studies of *multiple experts, including* Dr. Ervin Staub, a holocaust survivor who has studied the psychology of violence and the psychology of passive bystandership for decades.

(5) Doctor Staub identified passive bystandership as failing to take action where circumstances would seem to require action, and has worked to develop trainings to advance active bystandership.

(6) Psychologists have identified common inhibitors to active bystandership that impact all professions and people of all cultures. The common inhibitors include pluralistic ignorance, diffusion of responsibility, ambiguity as to whether help is needed, perceived costs of providing assistance, concern about negative reactions to intervention, devaluation of the individuals needing assistance, and feelings that people are best able to take care of themselves.

(7) When the application of active bystandership training was examined in the airline industry, researchers found that subordinate crew members found it very difficult, particularly if they were still in their new-hire, probationary period, to challenge or suggest that a captain was making mistakes.

(8) This led ~~the airline industry to adopt a four-step solution called the Primary, Alternate, Contingency, and Emergency (P.A.C.E.) procedures~~ *safety advocates to call for the adoption of a four-step solution called "Probe, Alert, Challenge, and Emergency" (P.A.C.E.). ABLE (registered trademark) uses a similar program for law enforcement called "Probe, Alert, Challenge, and Take Action" (PACT).*

(9) Whereas law enforcement officers are in need of ongoing training to combat the inhibitors of passive bystandership and to promote a culture where officers intervene to prevent other officers from violating the constitutional and statutory rights of others.

(c) It is the intent of the Legislature to direct the Commission on Peace Officer Standards and Training to study and adopt *ABLE (registered trademark)* or a training program that is at least as rigorous ~~as the Active Bystandership for Law Enforcement training program~~ *and as focused on cultural change as the ABLE (registered trademark) program*.

SEC. 2. Section 13519.10 of the Penal Code is amended to read:

13519.10. (a) (1) The commission shall implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force. The guidelines and course of instruction shall stress that the use of force by law enforcement personnel is of important concern to the community and law enforcement and that law enforcement should safeguard life, dignity, and liberty of all persons, without prejudice to anyone. These guidelines shall be a resource for each agency executive to use in the creation of the use of force policy that the agency is required to adopt and promulgate pursuant to Section 7286 of the Government Code, and that reflects the needs of the agency, the jurisdiction it serves, and the law.

(2) As used in this section, "law enforcement officer" includes any peace officer of a local police or sheriff's department or the California Highway Patrol, or of any other law enforcement agency authorized by law to use force to effectuate an arrest.

(b) The course or courses of the regular basic course for law enforcement officers and the guidelines shall include all of the following:

(1) Legal standards for use of force.

(2) (A) Duty to intercede. The commission shall ~~model the duty to intercede training in this paragraph after the Active Bystandership for Law Enforcement Project's curriculum, which shall include both classroom instruction and extensive simulator-based training or live scenario-based training.~~ *develop training on the duty to intercede training module which shall include, but not be limited to, all of the following elements:*

(i) A robust discussion of the science of active bystandership, including an exploration of social science experiments that help explain the inhibitors to intervention.

(ii) Interactive facilitated discussions of the inhibitors to intervention, with a special focus on inhibitors at play in a hierarchical organizational structure.

(iii) Interactive discussions of where, how, and why deliberate intervention training has worked in other professions.

(iv) Multiple practical skills and tactics targeted at increasing the frequency and effectiveness of interventions, including actual practice using those skills and tactics.

(v) Interactive discussions of how intervention tactics can be used in a variety of settings, including to prevent misconduct, prevent mistakes, and promote officer health and wellness.

(vi) Meaningful live, facilitated scenario-based role plays.

(vii) The mental health and wellness risks of nonintervention.

(viii) The legal and practical risks of nonintervention.

(ix) The impact of nonintervention on communities and individual community members.

(x) A focus on the importance of developing a law enforcement culture in which intervention is not only encouraged, but expected, among members of a law enforcement organization regardless of the risk of the intervenor or the individual being intervened upon.

(xi) At least eight hours of both classroom instruction and extensive simulator-based training or live scenario-based training.

(B) The training required pursuant to paragraph (A) shall only be required for law enforcement officers who substantially interact with the public.

(3) The use of objectively reasonable force.

(4) Supervisory responsibilities.

(5) Use of force review and analysis.

(6) Guidelines for the use of deadly force.

(7) State required reporting.

(8) Deescalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.

(9) Implicit and explicit bias and cultural competency.

(10) Skills including deescalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

(11) Use of force scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decisionmaking.

(12) Alternatives to the use of deadly force and physical force, so that deescalation tactics and less lethal alternatives are, where reasonably feasible, part of the decisionmaking process leading up to the consideration of deadly force.

(13) Mental health and policing, including bias and stigma.

(14) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(c) Law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on use of force. The commission shall assist where possible.

(d) (1) The course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals shall include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs.

(e) (1) It is the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific use of force policy that, at a minimum, complies with the guidelines developed under subdivisions (a) and (b).

(2) Every law enforcement officer shall complete an updated course of instruction on the duty to intercede as described in paragraph (2) of subdivision (b) every two years.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


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AB-958 Peace officers: law enforcement cliques. (2021-2022)

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Date Published: 03/26/2021 04:00 AM

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 958

Introduced by Assembly Member Gipson

February 17, 2021

An act *to amend Section 1029 of the Government Code, and to add Section 13670 to the Penal Code, relating to peace officers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 958, as amended, Gipson. Peace officers: law enforcement ~~gangs~~ *cliques*.

Existing laws defines those persons who are peace officers, the entities authorized to appoint them, and the scope of their authority. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including training requirements, 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. Existing law requires a department or agency that employs peace officers to establish a procedure to investigate complaints by members of the public against those officers.

This bill would define a law enforcement clique, a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior, and would require law enforcement agencies, as specified, to have a policy prohibiting law enforcement cliques and making participation in a law enforcement clique grounds for termination. The bill would require an agency to disclose an officer's termination for involvement in a law enforcement clique to another law enforcement agency conducting a preemployment background investigation of that officer, as specified. The bill would also make a person who has been terminated from employment as a peace officer for involvement with a law enforcement clique ineligible to be a peace officer.

By requiring local law enforcement agencies to adopt new policies, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~This bill would express the intent of the Legislature to enact legislation to address the issue of law enforcement gangs, as described.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Law enforcement-~~gangs~~ cliques have been identified within California law enforcement agencies, undermining California's movement to enhance professional standards of policing throughout the state. Law enforcement ~~gangs~~ cliques have been recognized by the Los Angeles Sheriff's Department as damaging to the trust and reputation of law enforcement throughout California.

(b) A law enforcement-~~gang~~ clique is a group of law enforcement officers within an agency that engage in a pattern of rogue on-duty behavior that violates the law or fundamental principles of professional-~~policing, including, but not limited to, unlawful detention, use of excessive force, falsifying police reports, fabricating evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, use of alcohol or drugs on duty, protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.~~ policing.

(c) Building and preserving trust between California communities and law enforcement agencies, and protecting the integrity of law enforcement as an institution will require agencies to proactively root out "bad apples" including those who participate, formally or informally, in this type of behavior.

(d) Law enforcement agencies must support and promote peer intervention in instances of officer misconduct, including reporting officers suspected of involvement in law enforcement-~~gangs, cliques~~, and must hold those officers accountable through proportionate disciplinary measures when misconduct is proven.

(e) Trust between our communities and law enforcement is dependent on an institutional reconciliation of the historical traumas perpetrated by law enforcement-~~gangs, cliques~~.

SEC. 2. Section 1029 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

(8) Any person who has been previously terminated from employment as a peace officer for participation in a law enforcement clique, pursuant to Section 13670 of the Penal Code.

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

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

(c) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections or the Department of the Youth Authority, or as a probation officer in a county probation department, if ~~he or she~~ *that person* has been granted a full and unconditional pardon for the felony or offense of which ~~he or she was~~ *they were* convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority, or a county probation department, may refuse to employ that person regardless of ~~his or her~~ *their* qualifications.

(d) Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

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

SEC. 3. *Section 13670 is added to the Penal Code, to read:*

13670. *(a) For purposes of this section:*

(1) "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830, that provides uniformed police services to the public.

(2) "Law enforcement clique" means a group of peace officers within a law enforcement agency that engage in a pattern of rogue on-duty behavior that violates the law or fundamental principles of professional policing, including, but not limited to, unlawful detention, use of excessive force, falsifying police reports, fabricating evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, use of alcohol or drugs on duty, protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

(b) Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement clique and which makes a violation of that policy grounds for termination.

(c) Except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement clique to another law enforcement agency conducting a preemployment background investigation of that former peace officer.

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

~~SEC. 2. It is the intent of the Legislature to enact legislation that requires and empowers law enforcement agencies to address the issue of law enforcement gangs.~~



H.R.7120 - George Floyd Justice in Policing Act of 2020

116th Congress (2019-2020)

Sponsor: [Rep. Bass, Karen \[D-CA-37\]](#) (Introduced 06/08/2020)
Committees: House - Judiciary; Armed Services; Energy and Commerce
Committee Reports: [H. Rept. 116-434](#)
Latest Action: Senate - 07/20/2020 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 490. ([All Actions](#))
Roll Call Votes: There have been [2 roll call votes](#)
Tracker: Introduced **Passed House**

Summary(1) Text(4) Actions(26) Titles(40) Amendments(1) Cosponsors(230) Committees(3) Related Bills(13)

There is one summary for H.R.7120. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in House (06/08/2020)

Justice in Policing Act of 2020

This bill addresses a wide range of policies and issues regarding policing practices and law enforcement accountability. It includes measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices.

The bill facilitates federal enforcement of constitutional violations (e.g., excessive use of force) by state and local law enforcement. Among other things, it does the following:

- lowers the criminal intent standard—from willful to knowing or reckless—to convict a law enforcement officer for misconduct in a federal prosecution,
- limits qualified immunity as a defense to liability in a private civil action against a law enforcement officer or state correctional officer, and
- authorizes the Department of Justice to issue subpoenas in investigations of police departments for a pattern or practice of discrimination.

The bill also creates a national registry—the National Police Misconduct Registry—to compile data on complaints and records of police misconduct.

It establishes a framework to prohibit racial profiling at the federal, state, and local levels.

The bill establishes new requirements for law enforcement officers and agencies, including to report data on use-of-force incidents, to obtain training on implicit bias and racial profiling, and to wear body cameras.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021**

Agenda Item E.3.

TECHNOLOGY DISCUSSION

INFORMATION ITEM

ISSUE: The Police Risk Management Committee members will be asked to discuss their experiences with their departments' body cameras, robots, drones, or other emerging technologies such artificial intelligence software.

Moonlight Inc. is a recently identified firm that according to their website "Provide law enforcement leaders unbiased data through the use of cutting edge technology to ensure the actions of their officers align with the departments' protocols."

The link to the information about Moonlight Inc.is <https://moonlightdatainc.com>

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: None.

ATTACHMENT(S): Moonlight Inc. Flyer

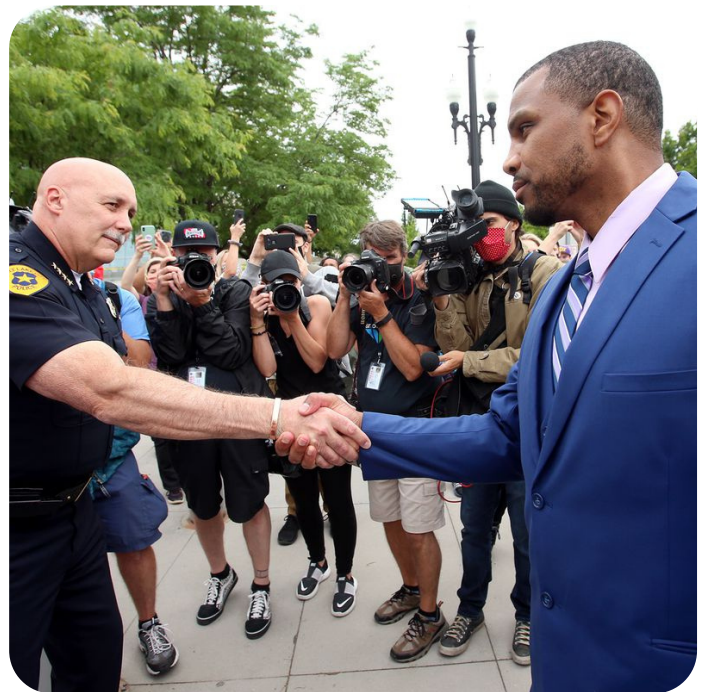


"The proactive solution to restoring the public's trust in law enforcement"



Who We Are

Moonlight Data is a company led by law enforcement and technology professionals. We are passionate about the use of technology to identify and mitigate risk for police departments. Our police officers are trained in de-escalation and proper police communication with civilians. Our technology team members have expertise in utilizing cutting-edge technology to assist professionals in analyzing communication in an effective manner.



- Camera functionality
- Officer communication and professionalism
- Biased behavior displayed
- Force required
- Was the incident handled properly

What We Do

We assist police departments by using our AI-powered technology platform to review video data collected from body and dash cameras. By partnering with us, you will be able to identify the positive impact police officers are making in the community and also point out areas of risk relating to professionalism, communication, and misconduct. In the event there are requirements to make video footage public, we are able to apply redactions to faces and objects

TRANSCRIPTION • KEYWORD TOOL •
SENTIMENT ANALYSIS • CONCEPT
SEARCHING • REDACTION



How We Do It

Our platform quickly and accurately transcribes body-worn and dash camera videos. We apply artificial intelligence (AI) technology such as sentiment analysis and concept searching to assist our team of analysts in understanding the sentiment and tone of the words used along with the concept of the words spoken. Additionally, our platform allow us to apply redaction to faces and objects in order to comply with privacy requirements.

Our team members adhere to strict data privacy and security requirements. Our team has extensive experience in consulting, analyzing, drafting and reviewing highly confidential data. The technology we use meets the highest level of NIST guidelines for SOC and ISO certifications.

Why Us?

The services provided at Moonlight Data are unlike any other in the industry because we ensure an unbiased and independent review of police technology. Our platform is the solution to efficiently and effectively analyzing body-worn camera videos while focusing on maximizing the wealth of data available. The Moonlight team prides itself on being able to recognize the positive impact departments are making within their community while also identifying potential risks. Our service is cost effective and allows law enforcement to focus on their job while we provide them the necessary analytics and reporting.



MoonLight^{inc}



www.moonlightdatainc.com



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info@moonlightdatainc.com





BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021**

Agenda Item E.4

ROUND TABLE DISCUSSION

INFORMATION ITEM

ISSUE: The floor will be open to the Committee for discussion.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: Alliant and Sedgwick organize the NCCSIF Police Risk Management Committee meetings. These meetings are held on a quarterly basis, where a Round Table Discussion Item is included in the agenda.

ATTACHMENT(S): Public Safety EAP Brochure

There is training currently planned for Thursday, August 5, 2021, with Ben Laird of Frontline Public Safety Solutions. The link to Frontline Public Safety solutions is <https://www.frontlinepss.com/>

As a public safety responder, you face unique challenges...

Police, firefighters, and other public safety responders are different. You put your life in jeopardy every day. And nothing has shown the varied risks you face more than during the pandemic. But even under ordinary circumstances, you face complex workplace stressors, all while juggling the challenges of your own personal and family issues.

Usually, we can handle problems on our own, but sometimes it makes sense to reach out for help.

That's why your employer provides you and your family with a confidential Employee Assistance Program or EAP, a benefit offering resources and solutions for the problems you encounter. Just as health insurance addresses your physical health, your EAP benefits help with your emotional and mental well-being. And your EAP benefits also include much more than just help for problems – we have a host of benefits and opportunities to help you grow professionally, save money, improve your health, and enhance your personal life! Public Safety EAP is the only EAP specifically designed to address unique challenges faced by public safety responders. And because your employer has covered the cost of services, there is no cost to you.

GETTING THE HELP YOU NEED

Call anytime for confidential assistance. To reach a counselor for any of your EAP needs, call toll free:

1-888-327-1060 OR VISIT
www.PublicSafetyEAP.com

COUNSELING BENEFITS

Help with personal issues from relationships to stress and substance abuse.

WORK/LIFE BENEFITS

Assistance for other personal, financial and legal issues.

SELF-HELP RESOURCE BENEFITS

Access a vast collection of self-help tools and articles.

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One-to-one telephonic personal & professional coaching.

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www.PublicSafetyEAP.com

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COUNSELING BENEFITS

Many complex issues are best resolved with counseling assistance from a behavioral health professional. You will want to consider calling for help if you encounter problems such as:

- Relationship and family issues
- Depression, stress, or anxiety
- Grief or loss of a loved one
- Eating disorders or substance abuse
- Workplace difficulties

When you call, you connect immediately with a counselor. Each of our experienced counselors has a Masters or Ph.D. level of training. Should you need to be referred to a local counselor for personal visits, we have more than 40,000 providers available to ensure that you will have a counselor near your home or workplace.



WORK/LIFE BENEFITS

Help for personal, family, financial, and legal issues is available for your everyday work/life problems, including:

- Debt counseling and restructuring
- Legal problems not related to employment or medical concerns
- Childcare and elder care assistance
- Financial information
- Caregiver help and resources
- Real estate and tenant/landlord concerns
- Interpersonal skills with family and co-workers
- Pet Help Center

SELF-HELP RESOURCES

Access thousands of tools and informative articles covering virtually every problem you might face. You can call or log on to the website to access these benefits. Resources include:

- Behavioral Health - information on everything from alcohol abuse to personal stress
- Financial – articles and tools to help answer your questions and learn money management
- Legal Information - topics ranging from adoption to wills
- Tools for Tough Times - resources to help you do more with less in difficult financial times

PEAK PERFORMANCE COACHING

Personal and professional coaching is available from senior-level ESI coaches. Get one-to-one telephonic coaching and support, as well as online self-help resources and trainings.

Coaching is available for:

- Certified Financial Coaching
- Balancing Life at Work and Home
- Resilience
- Effective Communication
- Home Purchasing
- Student Debt
- Yoga & Relaxation for Beginners
- Workplace Conflict
- Retirement (Practical & Emotional Aspects)
- Succeeding as a Supervisor

PUBLIC SAFETY RESOURCE CENTERS

Public Safety EAP addresses specific stressors and issues that public safety personnel and their families face every day.

- Challenges of military deployment and homecoming
- Budget helpers for public safety personnel
- Mental health issues for first responders
- Social media for first responders
- Public safety family matters

LIFESTYLE SAVINGS BENEFITS

Your Lifestyle Savings Benefits include thousands of specially negotiated ways to shop, travel, entertain, and improve your health and your quality of life. Explore deals, discounts, and perks from your favorite national brands.

PERSONAL DEVELOPMENT AND TRAINING BENEFITS

Our online training includes more than **8,000 eLearning courses, trainings, and videos** to help you boost your personal and professional growth. Balance your work, life, and career objectives with the help of tutorials, exercises, and worksheets.

WELLNESS BENEFITS

The EAP wellness benefit allows you to access information and resources to improve you and your family's overall wellness including stress reduction, fitness, diet and smoking cessation.

- Online Wellness Center
- One-to-One Wellness Coaching from certified coaches for nutrition, weight loss, fitness, reducing stress and quitting tobacco.



NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
2020-2021 Organizational Chart
Updated as of 4/9/2021

MEMBER ENTITY	BOARD OF DIRECTORS	BOARD ALTERNATES	RISK MANAGEMENT COMMITTEE	POLICE RISK MANAGEMENT COMMITTEE
City of ANDERSON	Liz Cottrell	Jeff Kiser	Liz Cottrell	Chief Michael Johnson
City of AUBURN	Cristina Shafer	<i>None Appointed</i>	Shari Harris	Chief Ryan L. Kinnan(Vice-Chair)
City of COLUSA	Ishrat Aziz-Khan	Shelly Kittle	Ishrat Aziz-Khan	Chief Josh Fitch
City of CORNING	Kristina Miller	Tom Watson	Tom Watson	Chief Jeremiah Fears
City of DIXON	Rachel Ancheta	Kate Zawadzki	Rachel Ancheta	Acting Chief Tom Cordova
City of ELK GROVE	Kara Reddig	Jim Ramsey	Jim Ramsey - Alternate Rep. Julie Rucker	Lieutenant Ryan Elmore
City of FOLSOM	*EC Susan Walter	Steven Wang	Susan Walter	Chief Rick Hillman
City of GALT	EC/CC Stephanie Van Steyn	Lorenzo Hines	Stephanie Van Steyn	Interim Chief Brian Kalinowski
City of GRIDLEY	<i>Vacant</i>	Elisa Arteaga	Elisa Arteaga	Chief Rodney Harr
City of IONE	<i>Vacant</i>	Lori McGraw	Lori McGraw	Chief Jeff Arnold
City of JACKSON	EC/ CC Yvonne Kimball	Dalacie Blankenship	Yvonne Kimball	Interim Chief Chris Mynderup
City of LINCOLN	EC CJPRMA Board Rep Veronica Rodriguez	Ruthann Codina	Veronica Rodriguez	Chief Doug Lee
City of MARYSVILLE	S / EC/CC Jennifer Styczynski	<i>Vacant</i>	Jennifer Styczynski	Chief Chris Sachs
City of NEVADA CITY	EC <i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>	Chief Chad Ellis
City of OROVILLE	Liz Ehrenstrom	<i>None Appointed</i>	Liz Ehrenstrom (Chair)	Chief Joe Deal
Town of PARADISE	<i>Vacant</i>	Crystal Peters	Crystal Peters	Chief Eric Reinbold
City of PLACERVILLE	*P / *EC / *CC **Dave Warren (Chair)	Cleve Morris	Dave Warren	Chief Joseph Wren
City of RED BLUFF	Sandy Ryan	Anita Rice	Sandy Ryan	Chief Kyle Sanders (Chair)
City of RIO VISTA	VP/T/*EC/*CC **Jose Jasso (Vice-Chair)	**Jen Lee, CPA	Jose Jasso	N/A
City of ROCKLIN	<i>Vacant</i>	Andrew Schiltz, CPA	Andrew Schiltz, CPA	Chief Chad Butler
City of WILLOWS	Wayne Peadbody	<i>None Appointed</i>		N/A
City of YUBA CITY	Spencer Morrison	<i>Vacant</i>	Sheleen Loza	Chief Robert Landon

OFFICERS		
		Term of Office
President (P)	Dave Warren	10/29/2020 - 6/30/2022
Vice President (VP)	Jose Jasso	10/29/2020 - 6/30/2022
Treasurer (T)	Jen lee	10/29/2020 - 6/30/2022
Secretary (S)	Jennifer Styczynski	7/1/2020- 6/30/2022

Executive Committee (EC) - membership on the EC rotates annually based on a rotation schedule and each member serves for a two-year term, with the **President** serving as **Chair of the Committee**.

Claims Committee (CC) - members of the CC are annually selected by the EC. CC is traditionally made up of at least five members of the EC, with the **Vice President** serving as **Chair of the Committee**.

CJPRMA Board Representative Veronica Rodriguez appointed 10/24/2019

PROGRAM ADMINISTRATORS (Alliant Insurance Services)	CLAIMS ADMINISTRATORS (Sedgwick formerly York)	RISK CONTROL CONSULTANTS (Sedgwick formerly York/Bickmore)	ADVISORS
Michael Simmons Marcus Beverly	Dorienne Zumwalt	Dave Beal	Byrne Conley (Board Counsel)
Conor Boughey Raychelle Maranan	Steven Scott (Workers' Comp)	Tom Kline (Police RM)	James Marta, CPA (Accountant)
Jenna Wirkner	Jill Petrarca (Liability)		



PROGRAM YEAR 20/21 MEETING CALENDAR

Thursday, August 6, 2020 **Police Risk Management Committee** at 10:00 a.m.

Thursday, September 24, 2020 **Claims Committee** at 10:00 a.m.
Executive Committee at 11:30 a.m.

Thursday, October 29, 2020..... **Risk Management Committee** at 10:00 a.m.
Board of Directors at 12 noon

Thursday, November 5, 2020..... **Police Risk Management Committee** at 10:00 a.m.

Thursday, December 10, 2020 **Board of Directors** at 10:00 a.m.

Thursday, February 4, 2021 **Police Risk Management Committee** at 10:00 a.m.

Thursday, March 25, 2021 **Claims Committee** at 10:00 a.m.
Executive Committee at 11:30 a.m.

Thursday, April 22, 2021 **Risk Management Committee** at 10:00 a.m.
Board of Directors at 12 noon

Thursday, May 6, 2021 **Police Risk Management Committee** at 10:00 a.m.

Thursday, May 27, 2021 **Claims Committee** at 10:00 a.m.
Executive Committee at 11:30 a.m.

Thursday, June 17, 2021 ***Board of Directors** at 10:00 a.m.

Meeting Location: Rocklin Event Center - Garden Room (August 2020 to December 2020)
2650 Sunset Blvd., Rocklin, CA 95677
Ballroom *

Rocklin Community Center (April 22, 2021 and May 27, 2021)
5480 5th Street, Rocklin, CA 95677

Note: Additional Claims Committee Meetings may be scheduled as needed for Claims Authority approval which will be held via teleconference.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Police Risk Management Committee Meeting
May 6, 2021**

TRAINING SESSION AT 12:00 P.M.

INFORMATION ITEM

TOPIC: *Impact of AB 392 on Police Criminal and Civil Liability*
Presented by: Gregory M. Fox

ATTACHMENT(S): Training Announcement – *Impact of AB 392 on Police Criminal and Civil Liability*

SAVE THE DATE REGIONAL TRAINING

Impact of AB 392 on Police Criminal and Civil Liability Presented by Gregory M. Fox

Topic Includes:

This session covers the challenges now facing public entities in adapting their police departments' training and policies on use of force to comply with the new California laws. This also presents an opportunity to discuss possible changes in policing and how best to use the new laws to defend and protect officers in both criminal and civil litigation. Senate Bill 230 further changing laws on force and police policies will also be discussed.

Date and Time:

Thursday, May 6, 2021 from noon-2:00 p.m.

Meeting ID: 940 4655 3694

Passcode: 135087

Link:

<https://alliantinsurance.zoom.us/j/94046553694?pwd=aGR3RE0vbDdka2s1UzlZWG5zb0EwZz09>

Please reach out to NCCSIF Program Administrators if you have any questions.

Marcus.Beverly@alliant.com

Jenna.Wirkner@alliant.com

**OPEN TO ALL JPA MEMBERS
SPONSORED BY NCCSIF**

Trainer

Gregory M. Fox, Senior Partner at Bertrand, Fox, Elliot, Osman & Wezel will be conducting the training.

Who should attend

Risk Managers, Board Directors, Board Alternates, City Attorneys, Police Chiefs and Command Staff

