

LEGISLATIVE UPDATE

New Laws Affecting Peace Officers

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Assembly Bill No. 846 - adds section 1031.3 to the Government Code and section 135612 to the Penal Code, relating to the public employment of peace officers.

Current law requires that peace officers be evaluated by a physician or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill would require that evaluation to *also include* a finding that the individual is free from bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

POST is required to study, review, and update regulations and screening materials to identify explicit and implicit bias related to emotional and mental condition evaluations. The bill requires every agency that employs peace officers to review the job descriptions used in the

recruitment and hiring of peace officers and to make changes that place more emphasis on *community interaction and collaborative problem-solving*.

Assembly Bill No. 1506 - adds section 12525.3 to the Government Code, relating to the Department of Justice and police use of force.

Existing law requires law enforcement agencies to report to the DOJ any incident in which an officer is involved in a shooting or use of force that results in death or serious bodily injury. With this bill, the Attorney General is to investigate incidents of an officer-involved shooting resulting in the death of an *unarmed* civilian. The AG would then be required to prepare a written report and post the report on a public website. If criminal charges are found to be warranted, the AG would then initiate and prosecute a criminal action against the officer.

URGENT Update After Veto by Governor Newsom on September 30, 2020.

Assembly Bill No. 1299 - would have added section 13510.6 to the Penal Code, relating to the employment of peace officers.

Any agency that employs peace officers would be required to provide a notification to the Commission on Peace Officer Standards and Training (POST) when an officer is terminated. Or, if an officer leaves the agency with a *pending* complaint, charge, or investigation of a serious nature, the bill would have required the agency to *complete* the investigation and *notify* POST of its findings. POST would then include any subsequent finding that a complaint of a serious matter was sustained in the former officer's profile, and make that information available to any law enforcement agency that is conducting a preemployment background investigation of the former officer.

The Governor agreed with the intent of this legislation but stated "this bill does not go far enough." The Governor wants broader decertification measures in place. We can expect in the next legislative session, not only what was contained in this bill, but even more restrictions being placed upon an officer who is under

investigation for misconduct. There may even be attacks upon and amendments made to the Public Safety Officers Procedural Bill of Rights Act which would make it easier for the employing agency to investigate, discipline and terminate officers suspected of misconduct.

Stay Safe and Healthy!

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