

Capitol Update April 27, 2015

Cal Chiefs continues to be challenged by legislation that would negatively impact public safety and law enforcement budgets. Last Thursday, the Cal Chiefs' Legislative Committee discussed a number of these bills. The committee voted to oppose **SB 443 (Mitchell)** which requires a criminal conviction for forfeiture of cash drug proceeds and assets in excess of \$25,000. As currently drafted, SB 443 would be severely problematic for California law enforcement.

The committee also voted to oppose **AB 66 (Weber)**, concerning body worn cameras. This legislation is broken into two sections: a state mandate and state recommendations for the use of body worn cameras and doesn't allow for an agency to craft a policy that meets their specific needs. Another bill by Assemblymember Weber, **AB 619**, was recently expanded. Originally, the bill required the Attorney General to create a report summarizing all of the death in custody reports from local law enforcement for a year. Unfortunately, the recently amended version of AB 619 would require local law enforcement to report all use of force (as defined by the bill) incidents to the Attorney General. This bill now joins a list of other unfunded mandates being considered by the Legislature. We will be formally expressing our concerns with this bill this week.

Media inquiries about our legislative positions are on the rise and in response we are putting together talking points on these bills for our members to have in case they receive local media inquiries as well. We hope you will find this helpful as interest in some of the more controversial bills heats up.

Looking toward 2016, Cal Chiefs participated on a marijuana legalization panel at UCLA last Tuesday. Hosted by Lieutenant Governor Gavin Newsom, the panel focused on driving under the influence of marijuana. Chief Ken Corney spoke of the public safety implications of driving under the influence of marijuana and discussed the public safety related data coming out of Colorado. To-date, four different marijuana ballot measures have already been filed with the California Attorney General. We expect to see more.

Chiefs from up and down California will be joining us in Sacramento this Wednesday and Thursday for our second annual Legislative Day. In addition to the provided legislative material, participating chiefs should be ready to discuss how their agency is benefitting from the \$40 million allocation in the 2014-2015 budget and express support for this funding to be continued.

We look forward to seeing you there!

Capitol Update

April 20th, 2015

The California State Senate Public Safety Committee passed Cal Chiefs' sponsored unmanned aircraft system legislation, **SB 262** last Tuesday on a 5-1 vote, with one committee member dissenting for addressable privacy concerns. The bill now heads to the Senate Judiciary Committee. We are working with committee staff to add language ensuring privacy protections and ensuring that all unmanned aircraft system use by law enforcement much comply with existing privacy laws.

Last week, Cal Chiefs was honored to receive a request from the Boys and Men of Color Alliance (PolicyLink) to co-sponsor legislation that would create a local law enforcement grant program for procedural justice training. The bill, **AB 1118**, would also create a statewide taskforce to administer the grant and develop the training. We formally accepted this request to partner and look forward to working to move this legislation forward. One of the positive aspects of **AB 1118** is that it would enable agencies to participate in this training rather than create a statewide unfunded mandate.

This week kicked off with a Cal Chiefs' sponsored press conference with Assemblymember Tom Lackey, Candace Lightner of We Save Lives, and the California Narcotic Officers Association in support of **AB 1356**, our sponsored oral fluid collection legislation. Assemblymember Lackey and a member of the California Cannabis Industry Association both provided oral fluid samples to a toxicologist, who tested the samples for cannabis and other drug presence. Perhaps unsurprisingly, Assemblymember Lackey's test came back clean while the cannabis user's test came back positive for cannabis. While the bill will not be heard until the first week of May, our coalition is working to raise awareness of the prevalence of drugged driving and the technologies available to detect drug presence in a person's saliva.

Up in the Assembly Public Safety committee this week is **AB 86**, by Assemblymember Kevin McCarty. This bill would require the Attorney General to direct an independent investigation by the Department of Justice if a peace officer, in the performance of his or her duties, uses deadly physical force upon another person and that person dies as a result of the use of that deadly physical force. Cal Chiefs believes that the current investigation process, taken on a local level, has served agencies well. While some agencies have requested DOJ investigation, we fail to see how a statewide mandate for all instances of officer involved deaths would strengthen transparency or enhance the investigation process.

A number of bills aimed at collecting data on law enforcement interactions with the community have recently been amended. These include **AB 953** and **AB 619** by Assemblymember Shirley Weber. Our Legislative Committee will be taking a close look at the requirements imposed by these two bills, as amended last week, on our call this Thursday. Unfortunately, both of these bills create extensive reporting requirements for law enforcement officers. At this time, we are unsure as to what the benefits of state-wide data collection on all officer-civilian interactions would be. Our Legislative Committee took positions on an additional 25 bills last week and a small workgroup will finish reviewing all of the other introduced legislation in a special meeting on April 29th. All of the bills we are tracking and any positions we have taken are on the website and can be accessed [here](#).

We look forward to seeing many of you at Legislative Day next week!

Capitol Update: April 6, 2015

Last week played host to the Legislative Spring Break. While this means that legislators were not in the Capitol, the week was anything but a break for individuals working in and around the Capitol. Last week the CPCA Legislative Committee voted to oppose:

AB 86, as amended on March 26, which would require the Attorney General to oversee an independent investigation by the Department of Justice if a peace officer uses deadly physical force upon another person and that person dies as a result of the use of that deadly physical force. AB 86 would also require the Attorney General shall post and maintain, on the Department of Justice's Internet Web site, each written report unless any information in the report is required to be maintained as confidential by any other law.

SB 608 which grants the right to use and to move freely in public spaces, without discrimination and **without time limitations** that discriminate based upon housing status as well as the right to rest in public spaces and to protect oneself from the elements, in a nonobstructive manner.

AB 953, which would require law enforcement agencies to prepare quarterly reports to the Attorney General that include data on all traffic and pedestrian stops conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, search, or seizure, and the characteristics of each peace officer and civilian involved. The bill also would require the agencies to retain that data for a minimum of 5 years. The bill would require the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial sensitivity in law enforcement.

On the body worn camera front, AB 66 (Weber) was amended on March 26th. The bill in its current state creates strict requirements for body worn camera policies. Cal Chiefs is preparing a "letter of concern" outlining our concerns with many of the onerous provisions. Our overarching concern is that the bill is so prescriptive that agencies will actually be deterred from continuing or introducing a body worn camera program.

Our team also developed a lobbying and information-sharing strategy for AB 1356, our sponsored legislation that would allow law enforcement to take an oral fluid sample from an individual upon suspicion of driving under the influence. Candace Lightner, founder of MADD, is partnering with Cal Chiefs and CNOA on this legislation. Additionally, Christine Moore, Vice President of Immunalysis Corporation, will be providing legislators and staff with an in-person presentation on the collection and testing of oral fluids at the Capitol. Both Candace and Christine will be joining CPCA and CNOA on the lobbying efforts in favor of this bill prior to the bill's hearing.

Policy committees resume this week, kicking off a busy April for all of those in and around the Capitol. We look forward to seeing you on April 29th and 30th for Cal Chiefs' legislative day!