



President
Mr. Dave Warren
City of Placerville

Vice President
Ms. Liz Ehrenstrom
City of Oroville

Treasurer
Mr. Tim Sailsbery
City of Willows

Secretary
Ms. Corey Shaver
City of Nevada City

NCCSIF POLICE RISK MANAGEMENT COMMITTEE MEETING AGENDA

Date: Thursday, May 5, 2016
Time: 10:00 a.m. - 1:00 p.m.

Location: Rocklin Community Center - Springview Hall
5480 5th Street
Rocklin, CA 95677
(916) 625-5200

A – Action
I – Information

1 – Attached
2 – Hand Out
3 – Separate Cover
4 – Verbal
5 – Previously Mailed

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.

<u>Page</u>	A. CALL TO ORDER	
	B. APPROVAL OF AGENDA AS POSTED	A 1
	C. PUBLIC COMMENTS <i>This time is reserved for members of the public to address the Police Risk Management Committee on matters of NCCSIF that are of interest to them.</i>	
pg. 3	D. CONSENT CALENDAR <i>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.</i>	A 1
pg. 4	1. Police Risk Management Committee Meeting Minutes - February 4, 2016	
	E. RISK MANAGEMENT	
pg. 8	1. FY 15/16 Grant Funding Allocation <i>The Committee will be asked to review and discuss the plan to allocate the Police Risk Management Committee grant funds.</i>	A 1
pg. 16	2. Legislative Update <i>The Committee members will receive an update about the current status of several bills and laws that affect police departments.</i>	I 1



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pg. 46 **3. Round Table Discussion** **I 4**
The floor will be open to Police Risk Management Committee members for any topics or ideas that members would like to address.

Est. Time **F. Training Session - Police Use of Force and the Mentally Ill, and the** **I 4**
11:30 a.m. **Implementation of Body Camera**
pg. 47 *Phil Downs from Allen, Glaessner, Hazelwood & Werth will discuss the use of force and the mentally ill, and also the implementation of body camera programs.*

G. ADJOURNMENT

UPCOMING MEETINGS

- Claims Committee Meeting - May 19, 2016 (Community Center)
- Executive Committee Meeting - May 19, 2016 (Community Center)
- Risk Management Committee Meeting - June 9, 2016 (Event Center)
- Board of Directors Meeting - June 9, 2016 (Event Center)
- Police Risk Management Committee - August 4, 2016 (Event Center)

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 Raychelle Maranan at Alliant Insurance Services at (916) 643-2712.

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



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 be asked 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 4, 2016



**MINUTES OF THE
NCCSIF POLICE RISK MANGEMENT COMMITTEE MEETING
ROCKLIN EVENT CENTER, ROCKLIN, CA
FEBRUARY 4, 2016**

COMMITTEE MEMBERS PRESENT

Chief Rex Marks, City of Lincoln
Chief Aaron Easton, City of Marysville
Chief Tim Foley, City of Nevada City
Lieutenant Stephen Rowe, Town of Paradise
Chief Kyle Sanders, City of Red Bluff
Chief Greg Bowman, City of Rio Vista

OTHER MEMBERS PRESENT

Lieutenant Jason Garringer, City of Marysville
Liz Ehrenstrom, City of Oroville
Lieutenant Forrest Richardson, City of Rocklin
Russell Hildebrand, City of Rocklin

GUESTS & CONSULTANTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
James Hillary, VieVu
Leslie Stevens, Lexipol
Tom Kline, Bickmore
Henri Castro, Bickmore
Gail Zeigler, Bickmore

A. CALL TO ORDER

Chief Kyle Sanders called the meeting to order at 10:05 a.m.

Introduction was made.

B. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Chief Greg Bowman **Second:** Chief Rex Marks **Motion Carried**

C. PUBLIC COMMENTS

There were no public comments.

D. CONSENT CALENDAR

1. Police Risk Management Committee Meeting Minutes - November 5, 2015 (Draft)

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

Motion: Chief Rex Marks **Second:** Chief Greg Bowman **Motion Carried**

E. RISK MANAGEMENT

E1. Body Camera Update

The Committee was asked to share any anecdotal evidence for the VieVu Body Cameras having positive impact either from claims being resolved fairly quickly. Members shared instances they had at their agency and it is evident that the body camera has been an effective mechanism in combatting the use of force and citizen complaints and incredibly useful in accurately preserving information.

E2. Legislative Update

Mr. Tom Kline updated the Committee as to the status of the eight police related bills that are currently in the legislature.

Assembly Bill AB 69 - Rodriguez - Peace officers: body-worn cameras

This was passed and chaptered by the Secretary of State on October 11, 2015.

Assembly Bill AB 71 - Rodriguez - Criminal justice: reporting

This was passed and chaptered by the Secretary of State on October 3, 2015.

Assembly Bill AB 953 - Weber - Law Enforcement: racial profiling

This was passed and chaptered by the Secretary of State on October 13, 2015.

Assembly Bill AB 1507 - Hernandez - Peace officers: training

This was passed into law on July 6, 2015 and has been re-referred to Committee on RLS pursuant to Senate Rule 29.10(c).

Senate Bill SB 227 - Mitchell - Grand Juries: powers and duties – exceptions

This was passed and chaptered by the Secretary of State on August 11, 2015.

Assembly Bill AB 65 - Alejo - Local law enforcement: body-worn cameras: grant program

This bill was held under submission on May 28, 2015.

Assembly Bill AB 66 - Weber - Peace officers: body worn cameras – requirements and prohibitions

This bill was held under submission and re-referred to committee on APPR.

Assembly Bill AB 1118 - Bonta - Police officer standards and training: procedural justice

This bill was held under submission on May 28, 2015.



Senate Bill SB 175 - Huff - Peace officers: body-worn cameras - policy

This bill was ordered to inactive file on September 9, 2015 by request of Assembly Member Holden.

E3. Grant Funding for Fiscal Year 2015/16

Mr. Tom Kline reminded the Committee that the Board approved \$50,000 grant funds for the FY 15/16 PRMC budget. The Committee discussed whether to use the full funds to purchase additional body cameras for all member cities or use the funds towards data storage for videos or both, or the Committee may elect to provide an option to receive the funds for members to use as the needs of each agency varies.

After further discussion, the Committee considered perhaps to distribute the allotted funds to the members and giving the members a choice of using the funds at the predetermined use by the Committee. The Committee requested the breakdown of the funds per member to know exactly the amount available for each agency.

E4. Round Table Discussion

Mr. Tom Kline mentioned the next PRMC meeting will be held on May 5, 2016, and a Save the Date email will be sent to all members. Mr. Kline indicated for the May 5, 2016, meeting he plans to ask an attorney from Allen, Glaessner, Hazelwood & Werth, LLP to speak about case law aspects of body camera implementation.

There is a general interest from the Committee to have a regional session for the Below 100 Training.

Recruitment and retention of officers is an increasing challenge for police agencies across the board. City of Red Bluff and Town of Paradise noted they will share their policy and contract for academy sponsorship.

The Committee recessed for lunch at 11:08 a.m.

The meeting reconvened at 11:30 a.m. and resumed with the training presentation.

F. Training Session

F1. Body Worn Camera Equipment and Storage Options

Mr. James Hillary, Regional Sales Manager at VieVu, provided an update on body worn camera equipment and data storage options. Mr. Hillary indicated a newer model, LE-4 and LE-4 mini camera, is now available since NCCSIF purchased the LE-3 VieVu cameras in August 2014. The cost of the new camera is \$755 each and NCCSIF members are eligible for a \$300 discount to

upgrade from LE-3 to LE-4. The most notable feature of the new camera is the remote activation and live streaming of video. VieVu's VeriPatrol on-site secure software is available for a monthly service fee. VeriPatrol is a Microsoft Cloud based platform and the retention period varies by type of arrest.

Leslie Stevens arrived at 12:14 p.m.

F2. Body Worn Camera Policy Implications

Ms. Leslie Stevens, Vice President Legal Services at Lexipol, presented the various policy implications surrounding body worn cameras as follows:

- Policy considerations: retention, review access, storage, consistency of policies with First Amendment, activities, dash camera usage
- Policy should require: wear camera conspicuously and activation for identified activities
- Policy should allow: some discretion to officers

The benefits of body cameras reduced the use of force by 59% and reduced citizen complaints by 87.5%. Recoveries for Public Disclosure requests is subject to Public Record Act.

G. ADJOURNMENT

The meeting was adjourned at 1:15 p.m.

Next Meeting Date: May 5, 2016 in Rocklin, CA

Respectfully Submitted,

Corey Shaver, Secretary

Date



FY 15/16 GRANT FUNDING ALLOCATION

ACTION ITEM

ISSUE: The NCCSIF Board approved a total of \$50,000 for police risk management grants for FY 15/16 contingent on the Executive Committee approving the use of the funds. The Police Risk Management Committee has discussed possible uses and concluded that some members need more cameras and some need video storage solutions, including a dedicated server and/or external hard drive, depending on the agency size.

The Program Administrators recommend using the same allocation of funds used for the previous camera grants and giving the members a choice of using the money for cameras or for storage. Attached is the camera allocation from 2014 with a corresponding dollar amount based on the cost of the cameras.

RECOMMENDATION: Review the use of grant funds.

FISCAL IMPACT: \$50,000 Budgeted

BACKGROUND: The Board approved a FY 14/15 budget of \$50,000 for the purchase of body cameras for NCCSIF's police agencies. The funds were used to purchase a total of 58 cameras directly from VieVu at a quantity discount. Two members used the funds to purchase different cameras and two have yet to take advantage of the funds. The FY 15/16 budget also includes \$50,000 for police risk management grants contingent on Executive Committee approval of their use.

ATTACHMENT(S):

1. Police Risk Management Budget Allocation Worksheet
2. VieVu LE-4 Cameras Discounted Price
3. VieVu LE-4 Camera and LE-4 Mini-Camera Specs
4. VieVu Storage Options

**Police Risk Management Grant Funds
Proposed 2016 Allocation of \$50,000 Budget**

Member	2014 Camera Allocation	\$ amount at \$757.50 each = Proposed 2016 Grant Funding
Anderson	2	\$ 1,515
Auburn	4	\$ 3,030
Colusa	2	\$ 1,515
Corning	2	\$ 1,515
Dixon	4	\$ 3,030
Elk Grove	4	\$ 3,030
Folsom	5	\$ 3,788
Galt	4	\$ 3,030
Gridley	2	\$ 1,515
Ione	2	\$ 1,515
Jackson	2	\$ 1,515
Lincoln	4	\$ 3,030
Marysville	3	\$ 2,273
Nevada City	2	\$ 1,515
Oroville	4	\$ 3,030
Paradise	3	\$ 2,273
Placerville	2	\$ 1,515
Red Bluff	3	\$ 2,273
Rio Vista	2	\$ 1,515
Rocklin	4	\$ 3,030
Willows	2	\$ 1,515
Yuba City	4	\$ 3,030
Total	66	\$ 49,995

645 Elliott Ave W Suite #370
Seattle, WA 98119
1.888.285.4548
www.viewu.com



4/14/16

To
NCCSIF C/O Bickmore
Atten: Tom Kline
1750 Creekside Oaks Drive
Suite 200
Sacramento, CA 95833

RE: VIEVU LE-4 Cameras

Dear NCCSIF Members,

VIEVU released the LE-4 in October, 2015 to coincide with the IACP Conference held in Chicago, Illinois. We are offering the LE-4 at the same price as the LE-3 list price of \$899.95. Through the relationship with NCCSIF and Alliant we are again offering the camera at a discounted rate of \$755 per system. For trade in of the LE-3 cameras we are offering a \$300 trade in discount off the MSRP price. The cameras will work backwards compatible with VERIPATROL so you are able to continue running the LE-3 without changing your file management program offered through VIEVU.

Thank you for the past business and I look forward to continuing to support your agencies with BWV in the future.

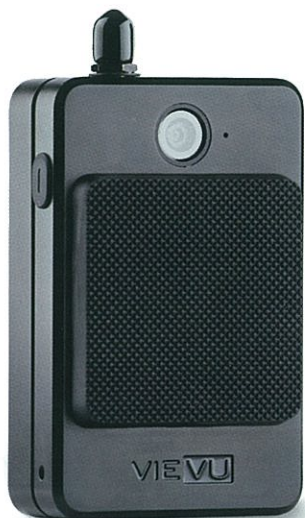
Sincerely,

James G. Hillary
Regional Sales Manager- West
VIEVU

BODY WORN CAMERAS MADE BY COPS, FOR COPS.

LE4 CAMERA & OUR SOFTWARE

- 4th GENERATION OF VIEVU LAW ENFORCEMENT BODY WORN CAMERAS
- MEETS THE REQUIREMENTS OF DEPARTMENTS THAT NEED TO RECORD AN ENTIRE SHIFT
- RUGGED AND COMPACT
- FAIL-SAFE RECORD SWITCH



LE4 CAMERA

LE4 FEATURES

- 95 degree field of view
- Full-shift battery providing over 12 hours of continuous recording
- Pre and post event recording
- 1080, 720 and widescreen 848x480 video resolution
- Extremely durable billet aluminum case
- Wireless communication for live streaming
- Smartphone app to allow for reviewing video and adding metadata in the field

COMPATIBILITY

The LE4 is compatible with external battery packs allowing extended operations of over 50 hours before requiring a download.



SHOWN WITH
OPTIONAL/INCLUDED
EXTENDED RANGE
ANTENNA

LE4 DETAILED SPECIFICATIONS

VIDEO

VIDEO RESOLUTION	1920x1080 (FHD) 1280x720 (HD) 848x480 (Widescreen SD)
RECORDING SPEED	30 frames per second
VIDEO FORMAT	MPEG-4 / H.264 Codec / AVI Container
LENS FIELD OF VIEW	95 degrees (Diagonal)
DATE AND TIME STAMP	GMT or local time (Embedded on video)
PRERECORD	Yes, 30 second buffer (No audio)

AUDIO

RECORDING FORMAT	PCM
MUTE	Ability to disable/enable audio recording

Wi-Fi

Wi-fi PROTOCOL	802.11 G/N
SECURITY	WPA2
ANTENNA	10 ft without antenna. 200 ft with optional removable long range antenna (Included)

ENVIRONMENTAL CONDITIONS

MIN. WORKING TEMP.	-4° F (-20° C)
MAX. WORKING TEMP.	+122° F (+50° C)
RECOMMENDED STORAGE	+68 F (+20° C) < 75% relative humidity
DUST / WATER INGRES TESTING	IP65, waterproof, non-submersible with antenna or antenna cover fitted
DROP TESTING	10 ft onto hard ground

BATTERY

TYPE	Lithium-Ion (Non-removable)
RECORDING LIFE	10 hrs : FHD / 11 hrs : HD / 12 hrs : SD*
STANDBY LIFE	14 hrs*
CHARGE CYCLE	500 cycles > 75% capacity
RECHARGE FROM EMPTY	7 hrs*
EXTERNAL BATTERY PACK COMPATIBLE	Yes

STORAGE

RAW STORAGE CAPACITY	64 GB (Non-removable)
VIDEO STORAGE CAPACITY	10 hrs : FHD / 25 hrs : HD / 50 hrs : SD*

DESIGN

DIMENSIONS (WITHOUT CLIP)	3.3" x 2.1" x 1.1" (83mm x 54mm x 27mm)
WEIGHT (WITHOUT CLIP)	5.7 oz (Without clip and antenna cover fitted)

CERTIFICATIONS

FCC Class B	Yes	CE 2004/108	Yes
RoHS	Yes	WEEE	Yes
ENVIRONMENT TESTING	IP65 with antenna or antenna cover fitted		

WARRANTY

MANUFACTURE WARRANTY	90 days
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SOFTWARE COMPATIBILITY

VIEVU SOLUTION (HOSTED)	Yes
VERIPATROL (ON-SITE/HYBRID)	Yes
VIEVU SOLUTION SMARTPHONE APP	Yes
VIEVU SMARTPHONE APP	No

BODY WORN CAMERAS MADE BY COPS, FOR COPS.



LE4mini CAMERA & OUR SOFTWARE

- 2nd CAMERA BUILT ON VIEVU's 4th GENERATION BODY WORN CAMERA PLATFORM
- ULTRA SMALL AND COMPACT
- RUGGED, LAW-ENFORCEMENT AND MILITARY GRADE
- SMARTPHONE APP TO REVIEW VIDEO AND ADD METADATA WHILE IN THE FIELD
- EXTENDED RECORD TIME WITH EXTERNAL BATTERY PACK



LE4mini CAMERA

LE4mini FEATURES

- 95 degree field of view
- 3 hours of recording. Extended record time with external battery pack
- 1080, 720 and widescreen 848x480 video resolution
- Extremely durable billet aluminum case
- Wireless communication for live streaming
- Smartphone app to allow for reviewing video and adding metadata in the field

COMPATIBILITY

The LE4mini is compatible with external battery packs allowing extended operations of over 50 hours before requiring a download.



SHOWN WITH
OPTIONAL/INCLUDED
EXTENDED RANGE
ANTENNA

LE4 DETAILED SPECIFICATIONS

VIDEO

VIDEO RESOLUTION	1920x1080 (FHD) 1280x720 (HD) 848x480 (Widescreen SD)
RECORDING SPEED	30 frames per second
VIDEO FORMAT	MPEG-4 / H.264 Codec / AVI Container
LENS FIELD OF VIEW	95 degrees (Diagonal)
DATE AND TIME STAMP	GMT or local time (Embedded on video)

AUDIO

RECORDING FORMAT	PCM
MUTE	Ability to disable/enable audio recording

Wi-Fi

Wi-fi PROTOCOL	802.11 G/N
SECURITY	WPA2
ANTENNA	10 ft without antenna. 200 ft with optional removable long range antenna (Included)

ENVIRONMENTAL CONDITIONS

MIN. WORKING TEMP.	-4° F (-20° C)
MAX. WORKING TEMP.	+122° F (+50° C)
RECOMMENDED STORAGE	+68 F (+20° C) < 75% relative humidity
DUST / WATER INGRES TESTING	IP32 with antenna or antenna cover fitted
DROP TESTING	10 ft onto hard ground

BATTERY

TYPE	Lithium-Ion (Non-removable)
RECORDING LIFE	2 hrs : FHD / 2.5 hrs : HD / 3 hrs : SD*
STANDBY LIFE	3 hrs*
CHARGE CYCLE	500 cycles > 75% capacity
RECHARGE FROM EMPTY	2 hrs*
EXTERNAL BATTERY PACK COMPATIBLE	Yes

STORAGE

RAW STORAGE CAPACITY	64 GB (Non-removable)
VIDEO STORAGE CAPACITY	10 hrs : FHD / 25 hrs : HD / 50 hrs : SD*

DESIGN

DIMENSIONS (WITHOUT CLIP)	1.9" x 1.9" x .85" (50mm x 50mm x 21.5mm)
WEIGHT (WITHOUT CLIP)	2.5 oz (Without clip and antenna cover fitted)

CERTIFICATIONS

FCC Class B	Yes	CE 2004/108	Yes
RoHS	Yes	WEEE	Yes
ENVIRONMENT TESTING	IP32 with antenna or antenna cover fitted		

WARRANTY

MANUFACTURE WARRANTY	90 days
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SOFTWARE COMPATIBILITY

VIEVU SOLUTION (HOSTED)	Yes
VERIPATROL (ON-SITE/HYBRID)	Yes
VIEVU SOLUTION SMARTPHONE APP	Yes
VIEVU SMARTPHONE APP	No

* ENVIRONMENTAL CONDITIONS AND AGE OF PRODUCT MAY INCREASE OR DECREASE SPECIFICATION

4/14/16

To
NCCSIF C/O Bickmore
Atten: Tom Kline
1750 Creekside Oaks Drive
Suite 200
Sacramento, CA 95833

RE: VIEVU Storage

Dear NCCSIF Members,

VIEVU was designed with 3 critical pieces in mind- hardware (camera), software (VERIPATROL for security) and storage (options). VIEVU designed a platform which could be installed on a single PC with video stored on the hard drive or pushed to an external HD machine. The other option would be to place on your network and have VERIPATROL push to a certain server within your city or PD. VIEVU is completely agnostic about the environment it operates within as long as you have a SQL express or SQL license to assist with the transferring of video. In terms of preference for your department, we are able to work with Dell, HP, or any other server provider you are looking at or currently using. We list our whitepapers and minimum recommendations here- <http://www.viewu.com/support/veripatrol-support/> and I would be happy to consult with your IT to determine the needs for your agency based on size and retention policy.

Thank you for the past business and I look forward to continuing to support your agencies with BWV in the future.

Sincerely,

James G. Hillary
Regional Sales Manager- West
VIEVU



LEGISLATIVE UPDATE

INFORMATION ITEM

ISSUE: The Police Risk Management Committee members will receive an update about the current status of several bills that affect police departments. Below is an overview of the relevant bills, with the latest status to be provided at the meeting.

The following bills were introduced in the California Legislature 2015-16 Regular Session:

1. Assembly Bill AB 1745 - Hadley - Public Safety: funding
(2/1/16 - Introduced)
2. Assembly Bill AB 1860 - Alejo - Local law enforcement: body-worn cameras: grant program
(3/17/16 - Amended in Assembly)
3. Assembly Bill AB 1940 - Cooper - Peace officers: body-worn cameras: policies and procedures
(4/14/16 - Amended in Assembly)
4. Assembly Bill AB 1953 - Weber - Peace officers: civilian complaints
(2/12/16 - Introduced)
5. Assembly Bill AB 1957 - Quirk - Public records: body-worn cameras
(4/14/16 - Amended in Assembly)
6. Assembly Bill AB 2624 - Cooper - Peace officers: community policing: report
(4/14/16 - Amended in Assembly)

RECOMMENDATION: None.

FISCAL IMPACT: None.

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

ATTACHMENT(S): California Legislature Printout as listed above

ASSEMBLY BILL

No. 1745

Introduced by Assembly Member Hadley

February 1, 2016

An act to add Chapter 6.8 (commencing with Section 30066) to Division 3 of Title 3 of the Government Code, relating to public safety, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1745, as introduced, Hadley. Public safety: funding.

Existing law establishes in each county treasury a Supplemental Law Enforcement Services Account (SLESA) and requires the county auditor to allocate moneys in the SLESA in a prescribed manner to counties and cities located within the county for the purpose of funding specified public safety programs.

This bill would appropriate \$85,000,000 from the General Fund in the State Treasury to be allocated by the State Controller to each city's and city and county's SLESA. The bill would require the county auditor for a county to allocate moneys received from that appropriation to the county, each city within the county, and certain special districts, as specified. The bill would authorize a local agency that receives funds from that allocation to use the funds for front-line law enforcement activities, including drug interdiction, antigang, community crime prevention, and juvenile justice programs. The bill would make related legislative findings and declarations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 (a) There is a compelling need for additional resources to be
4 applied at the local level for the purpose of ensuring public safety.

5 (b) The Los Angeles Times stated on November 10, 2015, that
6 “A Times review found that property crime has increased in nine
7 of California’s 10 largest cities so far this year compared with the
8 same period last year. Violent crime was up in all 10.”

9 (c) The state’s criminal justice realignment and Proposition 47
10 of 2014, the “Safe Neighborhoods and Schools Act,” have also
11 placed new burdens on local law enforcement.

12 (d) Rising crime rates, coupled with a growing state population,
13 and rising inflation have placed significant pressure on local law
14 enforcement budgets. Funding for local law enforcement programs
15 has not kept pace with statewide growth in population or inflation.
16 What was once funding of \$489.9 million has increased to \$549.1
17 million. However, based on increases in the State Appropriations
18 Limit since fiscal year 2006–07, funding should be 28.82 percent
19 higher, or \$631.1 million, which is \$85 million above current
20 levels. This funding should be proportionally available to all
21 communities and should be distributed consistent with the current
22 percentage distribution schedule established by the Department of
23 Finance for the Citizens’ Option for Public Safety (COPS) program.

24 (e) Many California communities are plagued by gang violence,
25 drug addiction, and violence associated with drug use and drug
26 trafficking.

27 (f) A letter dated December 21, 2015, from the United States
28 Department of Justice stated that, for the foreseeable future, the
29 department would be halting equitable funding payments to state,
30 local, and tribal law enforcement partners. For California law
31 enforcement agencies this will result in approximately \$85 million
32 in lost revenue.

33 (g) Accordingly, it is the intent of the Legislature to establish
34 a new program to provide additional funding for front-line law
35 enforcement services, particularly those focused on drug
36 interdiction, antigang enforcement, and other local law enforcement
37 and crime prevention-related activities.

1 SEC. 2. Chapter 6.8 (commencing with Section 30066) is added
2 to Division 3 of Title 3 of the Government Code, to read:

3
4 CHAPTER 6.8. BUDGET ALLOCATION FOR DRUG AND GANG
5 ENFORCEMENT
6

7 30066. (a) In addition to any moneys provided pursuant to
8 Chapter 6.7, in any fiscal year in which a county receives moneys
9 to be expended for the implementation of this chapter, the county
10 auditor shall allocate the moneys received pursuant to this chapter
11 and deposited in the county's Supplemental Law Enforcement
12 Services Account (SLESA) within 30 days of the deposit of those
13 moneys into the fund.

14 (b) The moneys described in subdivision (a) shall be allocated
15 to the county and the cities within the county, and, in the case of
16 San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to
17 the Broadmoor Police Protection District, the Bear Valley
18 Community Services District, the Stallion Springs Community
19 Services District, the Lake Shastina Community Services District,
20 and the Kensington Police Protection and Community Services
21 District, in accordance with the relative population of the cities
22 within the county and the unincorporated area of the county, and
23 the Broadmoor Police Protection District in the County of San
24 Mateo, the Bear Valley Community Services District and the
25 Stallion Springs Community Services District in the County of
26 Kern, the Lake Shastina Community Services District in the County
27 of Siskiyou, and the Kensington Police Protection and Community
28 Services District in County of Contra Costa, consistent with the
29 percentage table developed by the Department of Finance pursuant
30 to paragraph (3) of subdivision (b) of Section 30061. For a newly
31 incorporated city whose population estimate is not published by
32 the Department of Finance, but that was incorporated prior to July
33 1 of the fiscal year in which an allocation from the SLESA is to
34 be made, the city manager, or an appointee of the legislative body
35 if a city manager is not available, and the county administrative
36 or executive officer shall prepare a joint notification to the
37 Department of Finance and the county auditor with a population
38 estimate reduction of the unincorporated area of the county equal
39 to the population of the newly incorporated city by July 15, or
40 within 15 days after the Budget Act is enacted, of the fiscal year

1 in which an allocation from the SLESA is to be made. No person
 2 residing within the Broadmoor Police Protection District, the Bear
 3 Valley Community Services District, the Stallion Springs
 4 Community Services District, the Lake Shastina Community
 5 Services District, or the Kensington Police Protection and
 6 Community Services District shall also be counted as residing
 7 within the unincorporated area of the County of San Mateo, Kern,
 8 Siskiyou, or Contra Costa, or within any city located within those
 9 counties. Moneys allocated to the county pursuant to this
 10 subdivision shall be retained in the county SLESA, and moneys
 11 allocated to a city pursuant to this subdivision shall be deposited
 12 in an SLESA established in the city treasury.

13 (c) Funds received pursuant to subdivision (a) shall be expended
 14 or encumbered in accordance with this chapter no later than June
 15 30 of the following fiscal year.

16 30067. (a) Moneys allocated from a Supplemental Law
 17 Enforcement Services Account (SLESA) to a recipient entity
 18 pursuant to this chapter shall be expended exclusively to provide
 19 front-line law enforcement services. Those moneys shall not be
 20 used by a local agency to supplant other funding for Public Safety
 21 Services, as defined in Section 36 of Article XIII of the California
 22 Constitution.

23 (b) Funding received pursuant to this chapter may be used for
 24 any of the following:

- 25 (1) Drug interdiction programs.
- 26 (2) Acquisition, maintenance, and training related to the use of
 27 body-worn cameras.
- 28 (3) Costs, including personnel costs, related to peace officer
 29 training, including training relating to the instruction in the
 30 handling of persons with developmental disabilities or mental
 31 illness, or both.
- 32 (4) Other front-line law enforcement services.

33 (c) In no event shall any moneys allocated from the county’s
 34 SLESA pursuant to this chapter be expended by a recipient agency
 35 to fund administrative overhead costs in excess of 0.5 percent of
 36 a recipient entity’s SLESA allocation pursuant to this chapter for
 37 that year.

38 (d) For the purposes of this chapter, “front-line law enforcement
 39 services” includes antigang, community crime prevention, and
 40 juvenile justice programs.

1 SEC. 3. The sum of eighty-five million dollars (\$85,000,000)
2 is hereby appropriated from the General Fund in the State Treasury
3 for allocation by the State Controller to the counties for the
4 purposes specified in Chapter 6.8 (commencing with Section
5 30066) of Division 3 of Title 3 of the Government Code. The
6 Controller shall allocate those moneys among each Supplemental
7 Law Enforcement Services Account (SLESA) established by each
8 county and city and county pursuant to Section 30063 of the
9 Government Code, consistent with the percentage schedule
10 developed by the Department of Finance pursuant to paragraph
11 (3) of subdivision (b) of Section 30061.

O

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1860

Introduced by Assembly Member Alejo

February 10, 2016

An act to amend Section ~~566 of the Penal Code, relating to branded containers: 1464 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to peace officers, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1860, as amended, Alejo. ~~Branded containers: brand registration: destruction.~~—*Local law enforcement: body-worn cameras: grant program.*

Existing law generally requires local agencies to provide each newly hired police officer and deputy sheriff with a pistol and other specified equipment.

This bill would require the Board of State and Community Corrections to develop a grant program to make funds available to local law enforcement entities to purchase body-worn cameras and related data storage and equipment, and to hire personnel necessary to operate a local body-worn camera program. The bill would create the Body-worn Camera Fund, that would continuously appropriate funds to the board for those purposes.

Existing law creates the State Penalty Fund into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Once a month, certain percentages of money in that fund are transferred into other funds, including, among others, the Driver Training Penalty Assessment Fund.

This bill would delete the transfer requirement for the Driver Training Penalty Assessment Fund and instead require a transfer to the Body-worn Camera Fund.

By transferring general fund moneys into a continuously appropriated fund, this bill would make an appropriation.

~~Existing law makes it a felony for an unauthorized person, as defined, to possess, or use, or to obliterate or destroy the brand registration upon, containers, including milk cases, cabinets, or other dairy equipment, which have a value in excess of \$950.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 1464 of the Penal Code is amended to
2 read:

3 1464. (a) (1) Subject to Chapter 12 (commencing with Section
4 76000) of Title 8 of the Government Code, and except as otherwise
5 provided in this section, there shall be levied a state penalty in the
6 amount of ten dollars (\$10) for every ten dollars (\$10), or part of
7 ten dollars (\$10), upon every fine, penalty, or forfeiture imposed
8 and collected by the courts for all criminal offenses, including all
9 offenses, except parking offenses as defined in subdivision (i) of
10 Section 1463, involving a violation of a section of the Vehicle
11 Code or any local ordinance adopted pursuant to the Vehicle Code.

12 (2) Any bail schedule adopted pursuant to Section 1269b or bail
13 schedule adopted by the Judicial Council pursuant to Section 40310
14 of the Vehicle Code may include the necessary amount to pay the
15 penalties established by this section and Chapter 12 (commencing
16 with Section 76000) of Title 8 of the Government Code, and the
17 surcharge authorized by Section 1465.7, for all matters where a
18 personal appearance is not mandatory and the bail is posted
19 primarily to guarantee payment of the fine.

20 (3) The penalty imposed by this section does not apply to the
21 following:

22 (A) Any restitution fine.

23 (B) Any penalty authorized by Chapter 12 (commencing with
24 Section 76000) of Title 8 of the Government Code.

1 (C) Any parking offense subject to Article 3 (commencing with
2 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

3 (D) The state surcharge authorized by Section 1465.7.

4 (b) Where multiple offenses are involved, the state penalty shall
5 be based upon the total fine or bail for each case. When a fine is
6 suspended, in whole or in part, the state penalty shall be reduced
7 in proportion to the suspension.

8 (c) When any deposited bail is made for an offense to which
9 this section applies, and for which a court appearance is not
10 mandatory, the person making the deposit shall also deposit a
11 sufficient amount to include the state penalty prescribed by this
12 section for forfeited bail. If bail is returned, the state penalty paid
13 thereon pursuant to this section shall also be returned.

14 (d) In any case where a person convicted of any offense, to
15 which this section applies, is in prison until the fine is satisfied,
16 the judge may waive all or any part of the state penalty, the
17 payment of which would work a hardship on the person convicted
18 or his or her immediate family.

19 (e) After a determination by the court of the amount due, the
20 clerk of the court shall collect the penalty and transmit it to the
21 county treasury. The portion thereof attributable to Chapter 12
22 (commencing with Section 76000) of Title 8 of the Government
23 Code shall be deposited in the appropriate county fund and 70
24 percent of the balance shall then be transmitted to the State
25 Treasury, to be deposited in the State Penalty Fund, which is hereby
26 created, and 30 percent to remain on deposit in the county general
27 fund. The transmission to the State Treasury shall be carried out
28 in the same manner as fines collected for the state by a county.

29 (f) The moneys so deposited in the State Penalty Fund shall be
30 distributed as follows:

31 (1) Once a month there shall be transferred into the Fish and
32 Game Preservation Fund an amount equal to 0.33 percent of the
33 state penalty funds deposited in the State Penalty Fund during the
34 preceding month, except that the total amount shall not be less
35 than the state penalty levied on fines or forfeitures for violation of
36 state laws relating to the protection or propagation of fish and
37 game. These moneys shall be used for the education or training of
38 department employees which fulfills a need consistent with the
39 objectives of the Department of Fish and ~~Game~~: *Wildlife*.

1 (2) Once a month there shall be transferred into the Restitution
 2 Fund an amount equal to 32.02 percent of the state penalty funds
 3 deposited in the State Penalty Fund during the preceding month.
 4 Those funds shall be made available in accordance with Section
 5 13967 of the Government Code.

6 (3) Once a month there shall be transferred into the Peace
 7 Officers' Training Fund an amount equal to 23.99 percent of the
 8 state penalty funds deposited in the State Penalty Fund during the
 9 preceding month.

10 (4) Once a month there shall be transferred into the ~~Driver~~
 11 ~~Training Penalty Assessment~~ *Body-worn Camera* Fund an amount
 12 equal to 25.70 percent of the state penalty funds deposited in the
 13 State Penalty Fund during the preceding month.

14 (5) Once a month there shall be transferred into the Corrections
 15 Training Fund an amount equal to 7.88 percent of the state penalty
 16 funds deposited in the State Penalty Fund during the preceding
 17 month. Money in the Corrections Training Fund is not continuously
 18 appropriated and shall be appropriated in the Budget Act.

19 (6) Once a month there shall be transferred into the Local Public
 20 Prosecutors and Public Defenders Training Fund established
 21 pursuant to Section 11503 an amount equal to 0.78 percent of the
 22 state penalty funds deposited in the State Penalty Fund during the
 23 preceding month. The amount so transferred shall not exceed the
 24 sum of eight hundred fifty thousand dollars (\$850,000) in any
 25 fiscal year. The remainder in excess of eight hundred fifty thousand
 26 dollars (\$850,000) shall be transferred to the Restitution Fund.

27 (7) Once a month there shall be transferred into the
 28 Victim-Witness Assistance Fund an amount equal to 8.64 percent
 29 of the state penalty funds deposited in the State Penalty Fund
 30 during the preceding month.

31 (8) (A) Once a month there shall be transferred into the
 32 Traumatic Brain Injury Fund, created pursuant to Section 4358 of
 33 the Welfare and Institutions Code, an amount equal to 0.66 percent
 34 of the state penalty funds deposited into the State Penalty Fund
 35 during the preceding month. However, the amount of funds
 36 transferred into the Traumatic Brain Injury Fund for the 1996-97
 37 fiscal year shall not exceed the amount of five hundred thousand
 38 dollars (\$500,000). Thereafter, funds shall be transferred pursuant
 39 to the requirements of this section. Notwithstanding any other
 40 provision of law, the funds transferred into the Traumatic Brain

1 Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal years,
2 may be expended by the State Department of Mental Health, in
3 the current fiscal year or a subsequent fiscal year, to provide
4 additional funding to the existing projects funded by the Traumatic
5 Brain Injury Fund, to support new projects, or to do both.

6 (B) Any moneys deposited in the State Penalty Fund attributable
7 to the assessments made pursuant to subdivision (i) of Section
8 27315 of the Vehicle Code on or after the date that Chapter 6.6
9 (commencing with Section 5564) of Part 1 of Division 5 of the
10 Welfare and Institutions Code is repealed shall be utilized in
11 accordance with paragraphs (1) to (8), inclusive, of this subdivision.

12 *SEC. 2. Title 14 (commencing with Section 14400) is added to*
13 *Part 4 of the Penal Code, to read:*

14

15 *TITLE 14. BODY-WORN CAMERA GRANT PROGRAM FOR*
16 *LOCAL LAW ENFORCEMENT*

17

18 *14400. The Board of State and Community Corrections shall*
19 *develop a grant program for the purpose of making funds available*
20 *to local law enforcement entities to purchase body-worn cameras*
21 *and related data storage and equipment, and to hire personnel*
22 *necessary to operate a local body-worn camera program.*

23 *14402. The Body-worn Camera Fund is hereby created.*
24 *Notwithstanding Section 13340 of the Government Code, all*
25 *moneys in the fund are continuously appropriated to the Board of*
26 *State and Community Corrections for the purposes of Section*
27 *14400.*

28 *14404. If federal funds become available for the purpose of*
29 *purchasing body-worn cameras and related equipment for local*
30 *law enforcement, the Board of State and Community Corrections*
31 *shall adjust the grant program to maximize state and local*
32 *competitiveness in obtaining federal funds, and the board shall*
33 *either apply for federal funds on behalf of a local law enforcement*
34 *agency, or reimburse a local law enforcement agency that has*
35 *expended funds for federal funds purposes.*

36 ~~SECTION 1. Section 566 of the Penal Code is amended to~~
37 ~~read:~~

38 ~~566. It is a felony, punishable by a fine not exceeding one~~
39 ~~thousand five hundred dollars (\$1,500), or by imprisonment~~
40 ~~pursuant to subdivision (h) of Section 1170, or both, for an~~

1 unauthorized person to possess or use, or to obliterate or destroy
2 the brand registration upon, containers, including milk cases,
3 cabinets, or other dairy equipment, which have a value in excess
4 of nine hundred fifty dollars (\$950), when the containers, cabinets,
5 or other dairy equipment are marked with a brand that is registered
6 pursuant to Chapter 10 (commencing with Section 34501) of Part
7 1 of Division 15 of the Food and Agricultural Code. For purposes
8 of this section, “unauthorized person” has the same meaning as
9 defined in Section 34564 of the Food and Agricultural Code.

O

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1940

Introduced by Assembly Member Cooper

February 12, 2016

An act to add ~~Section 6254.31 to the Government Code, and to add~~ Section 832.19 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1940, as amended, Cooper. Peace officers: body-worn cameras: policies and procedures.

~~(1) Existing~~

Existing law requires law enforcement agencies, departments, or entities to consider specified best practices regarding the downloading and storage of body-worn camera data when establishing policies and procedures for the implementation and operation of a body-worn camera system, such as designating the person responsible for downloading the recorded data from the body-worn camera, and establishing when data should be downloaded to ensure the data is entered into the system in a timely manner and the cameras are properly maintained and ready for the next use.

This bill would require a law enforcement agency, department, or entity, if it employs peace officers and uses body-worn cameras for those officers, to develop a body-worn camera policy. The bill would require the policy to allow a peace officer to review his or her body-worn camera video and audio recordings before making a report, giving an internal affairs statement, or before any criminal or civil proceeding.

97

The bill would encourage the law enforcement agency, department, or entity to include specified considerations in the policy, including the time, place, circumstances, and duration in which the body-worn camera is operational and the availability of the policy to peace officers and members of the public.

~~(2) Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.~~

~~This bill would exempt body-worn camera recordings that depict the use of force resulting in serious injury or death from public disclosure pursuant to the act unless a judicial determination is made, after the adjudication of any civil or criminal proceeding related to the use of force incident, that the interest in public disclosure outweighs the need to protect the individual right to privacy.~~

~~(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~(4) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.~~

~~This bill would make legislative findings to that effect.~~

~~(5) 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 no reimbursement is required by this act for a specified reason.~~

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

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

- 1 SECTION 1. ~~Section 6254.31 is added to the Government~~
- 2 Code, to read:

1 ~~6254.31. (a) A visual or audio recording made by a peace~~
2 ~~officer's body-worn camera during the performance of his or her~~
3 ~~duties that depicts use of force resulting in serious injury or death~~
4 ~~is confidential and shall not be disclosed to any member of the~~
5 ~~public pursuant to this chapter unless it is determined that the~~
6 ~~interest in public disclosure outweighs the need to protect the~~
7 ~~individual right to privacy.~~

8 ~~(b) This determination is subject to a judicial order that shall~~
9 ~~only occur after the adjudication of any civil or criminal proceeding~~
10 ~~related to the use of force incident involving the peace officer.~~

11 ~~SEC. 2.~~

12 *SECTION 1.* Section 832.19 is added to the Penal Code, to
13 read:

14 832.19. (a) (1) If a law enforcement agency, department, or
15 entity that employs peace officers uses body-worn cameras for
16 those officers, the agency, department, or entity shall develop a
17 policy relating to the use of body-worn cameras.

18 (2) The following definitions shall apply to this section:

19 (A) "Body-worn camera" means a device attached to the uniform
20 or body of a peace officer that records video, audio, or both, in a
21 digital or analog format.

22 (B) "Peace officer" means any person designated as a peace
23 officer pursuant to this chapter.

24 (b) (1) The policy shall allow a peace officer to review his or
25 her body-worn camera video and audio recordings before he or
26 she makes a report, is ordered to give an internal affairs statement,
27 or before any criminal or civil proceeding.

28 (2) A peace officer is not required to review his or her
29 body-worn camera video and audio recordings before making a
30 report, giving an internal affairs statement, or before any criminal
31 or civil proceeding.

32 (c) The policy shall be developed in accordance with the
33 Meyers-Milias-Brown Act (Chapter 10 (commencing with Section
34 3500) of Division 4 of Title 1 of the Government Code) and the
35 Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512)
36 of Division 4 of Title 1 of the Government Code).

37 (d) In developing the policy, law enforcement agencies,
38 departments, or entities are encouraged to include the following
39 in the policy:

1 (1) The time, place, circumstances, and duration in which the
2 body-worn camera shall be operational.

3 (2) Which peace officers shall wear the body-worn camera and
4 when they shall wear it.

5 (3) Prohibitions against the use of body-worn camera equipment
6 and footage in specified circumstances, such as when the peace
7 officer is off-duty.

8 (4) The type of training and length of training required for
9 body-worn camera usage.

10 (5) Public notification of field use of body-worn cameras,
11 including the circumstances in which citizens are to be notified
12 that they are being recorded.

13 (6) The manner in which to document a citizen’s refusal from
14 being recorded under certain circumstances.

15 (7) The use of body-worn camera video and audio recordings
16 in internal affairs cases.

17 (8) The use of body-worn camera video and audio recordings
18 in criminal and civil case preparation and testimony.

19 (9) The transfer and use of body-worn camera video and audio
20 recordings to other law enforcement agencies, including
21 establishing what constitutes a need-to-know basis and what
22 constitutes a right-to-know basis.

23 (10) The policy may be available to all peace officers in a written
24 form.

25 (11) The policy may be available to the public for viewing.

26 ~~SEC. 3. The Legislature finds and declares that Section 1 of
27 this act, which adds Section 6254.31 to the Government Code,
28 imposes a limitation on the public’s right of access to the meetings
29 of public bodies or the writings of public officials and agencies
30 within the meaning of Section 3 of Article I of the California
31 Constitution. Pursuant to that constitutional provision, the
32 Legislature makes the following findings to demonstrate the interest
33 protected by this limitation and the need for protecting that interest:~~

34 ~~The need to protect individual privacy and the credibility and
35 integrity of official ongoing investigations and those persons
36 subject to those investigations from the public disclosure of video
37 and audio recordings captured by a body-worn camera outweighs
38 the interest in the public disclosure of that information.~~

39 ~~SEC. 4. The Legislature finds and declares that Section 1 of
40 this act, which adds Section 6254.31 to the Government Code,~~

1 furthers, within the meaning of paragraph (7) of subdivision (b)
2 of Section 3 of Article I of the California Constitution, the purposes
3 of that constitutional section as it relates to the right of public
4 access to the meetings of local public bodies or the writings of
5 local public officials and local agencies. Pursuant to paragraph (7)
6 of subdivision (b) of Section 3 of Article I of the California
7 Constitution, the Legislature makes the following findings:

8 Protecting the privacy of a person whose image is captured by
9 a peace officer's body-worn camera enhances public safety, the
10 protection of individual rights, and the credibility and integrity of
11 official ongoing investigations and those persons subject to those
12 investigations, thereby furthering the purposes of Section 3 of
13 Article I of the California Constitution.

14 SEC. 5. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district under this act would result from a legislative mandate that
18 is within the scope of paragraph (7) of subdivision (b) of Section
19 3 of Article I of the California Constitution.

O

ASSEMBLY BILL

No. 1953

Introduced by Assembly Member Weber

February 12, 2016

An act to amend Section 8332 of the Government Code, to amend Sections 148.6, 832.18, 13010.5, 13012, and 13012.5 of the Penal Code, and to amend Section 41603 of the Vehicle Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as introduced, Weber. Peace officers: civilian complaints.

Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and to make a written description of the procedure available to the public. Existing law also refers to these complaints as citizens' complaints. Existing law sets forth specified policies and procedures relating to citizens' complaints. Among other things, existing law makes it a misdemeanor to file an allegation of misconduct against a peace officer knowing the allegation to be false. Existing law requires a law enforcement agency accepting an allegation of misconduct against a peace officer to require the complainant to read and sign a specified advisory that describes, generally, the law and procedure governing citizens' complaints. Existing law also requires the Department of Justice to prepare and present to the Governor, on or before July 1, an annual report containing the criminal statistics of the preceding calendar year, including, among other statistics, the total number of citizen complaints alleging racial or identity profiling, as specified.

This bill would delete references to citizens’ complaints and instead refer to civilians’ complaints.

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

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

1 SECTION 1. Section 8332 of the Government Code is amended
2 to read:

3 8332. It is the intent of the Legislature that this chapter ~~shall~~
4 *does* not apply to the Reporting of Improper Governmental
5 Activities Act (Article 3 (commencing with Section 8547) of
6 Chapter 6.5) or the procedures established to investigate ~~citizens’~~
7 *civilians’* complaints against peace officers as required by Section
8 832.5 of the Penal Code.

9 SEC. 2. Section 148.6 of the Penal Code is amended to read:

10 148.6. (a) (1) Every person who files any allegation of
11 misconduct against any peace officer, as defined in Chapter 4.5
12 (commencing with Section 830) of Title 3 of Part 2, knowing the
13 allegation to be false, is guilty of a misdemeanor.

14 (2) ~~Any~~ A law enforcement agency accepting an allegation of
15 misconduct against a peace officer shall require the complainant
16 to read and sign the following advisory, all in boldface type:

17 **YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST**
18 **A POLICE OFFICER FOR ANY IMPROPER POLICE**
19 **CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY**
20 **TO HAVE A PROCEDURE TO INVESTIGATE ~~CITIZENS’~~**
21 ***CIVILIANS’* COMPLAINTS. YOU HAVE A RIGHT TO A**
22 **WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS**
23 **AGENCY MAY FIND AFTER INVESTIGATION THAT THERE**
24 **IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON**
25 **YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU**
26 **HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE**
27 **IT INVESTIGATED IF YOU BELIEVE AN OFFICER**
28 **BEHAVED IMPROPERLY. ~~CITIZEN~~ *CIVILIAN* COMPLAINTS**
29 **AND ANY REPORTS OR FINDINGS RELATING TO**
30 **COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR**
31 **AT LEAST FIVE YEARS.**

32 **IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT**
33 **YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT**

1 AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU
2 CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

3
4 I have read and understood the above statement.

5
6 _____
7 Complainant

8
9 (3) The advisory shall be available in multiple languages.

10 (b) Every person who files a civil claim against a peace officer
11 or a lien against his or her property, knowing the claim or lien to
12 be false and with the intent to harass or dissuade the officer from
13 carrying out his or her official duties, is guilty of a misdemeanor.
14 This section applies only to claims pertaining to actions that arise
15 in the course and scope of the peace officer's duties.

16 SEC. 3. Section 832.18 of the Penal Code is amended to read:

17 832.18. (a) It is the intent of the Legislature to establish
18 policies and procedures to address issues related to the
19 downloading and storage data recorded by a body-worn camera
20 worn by a peace officer. These policies and procedures shall be
21 based on best practices.

22 (b) When establishing policies and procedures for the
23 implementation and operation of a body-worn camera system, law
24 enforcement agencies, departments, or entities shall consider the
25 following best practices regarding the downloading and storage
26 of body-worn camera data:

27 (1) Designate the person responsible for downloading the
28 recorded data from the body-worn camera. If the storage system
29 does not have automatic downloading capability, the officer's
30 supervisor should take immediate physical custody of the camera
31 and should be responsible for downloading the data in the case of
32 an incident involving the use of force by an officer, an
33 officer-involved shooting, or other serious incident.

34 (2) Establish when data should be downloaded to ensure the
35 data is entered into the system in a timely manner, the cameras are
36 properly maintained and ready for the next use, and for purposes
37 of tagging and categorizing the data.

38 (3) Establish specific measures to prevent data tampering,
39 deleting, and copying, including prohibiting the unauthorized use,
40 duplication, or distribution of body-worn camera data.

1 (4) Categorize and tag body-worn camera video at the time the
2 data is downloaded and classified according to the type of event
3 or incident captured in the data.

4 (5) Specifically state the length of time that recorded data is to
5 be stored.

6 (A) Unless subparagraph (B) or (C) applies, nonevidentiary data
7 including video and audio recorded by a body-worn camera should
8 be retained for a minimum of 60 days, after which it may be erased,
9 destroyed, or recycled. An agency may keep data for more than
10 60 days to have it available in case of a ~~citizen~~ *civilian* complaint
11 and to preserve transparency.

12 (B) Evidentiary data including video and audio recorded by a
13 body-worn camera under this section should be retained for a
14 minimum of two years under any of the following circumstances:

15 (i) The recording is of an incident involving the use of force by
16 a peace officer or an officer-involved shooting.

17 (ii) The recording is of an incident that leads to the detention
18 or arrest of an individual.

19 (iii) The recording is relevant to a formal or informal complaint
20 against a law enforcement officer or a law enforcement agency.

21 (C) If evidence that may be relevant to a criminal prosecution
22 is obtained from a recording made by a body-worn camera under
23 this section, the law enforcement agency should retain the recording
24 for any time in addition to that specified in paragraphs (A) and
25 (B), and in the same manner as is required by law for other
26 evidence that may be relevant to a criminal prosecution.

27 (D) In determining a retention schedule, the agency should work
28 with its legal counsel to determine a retention schedule to ensure
29 that storage policies and practices are in compliance with all
30 relevant laws and adequately preserve evidentiary chains of
31 custody.

32 (E) Records or logs of access and deletion of data from
33 body-worn cameras should be retained permanently.

34 (6) State where the body-worn camera data will be stored,
35 including, for example, an in-house server which is managed
36 internally, or an online cloud database which is managed by a
37 third-party vendor.

38 (7) If using a third-party vendor to manage the data storage
39 system, the following factors should be considered to protect the
40 security and integrity of the data:

- 1 (A) Using an experienced and reputable third-party vendor.
- 2 (B) Entering into contracts that govern the vendor relationship
- 3 and protect the agency’s data.
- 4 (C) Using a system that has a built-in audit trail to prevent data
- 5 tampering and unauthorized access.
- 6 (D) Using a system that has a reliable method for automatically
- 7 backing up data for storage.
- 8 (E) Consulting with internal legal counsel to ensure the method
- 9 of data storage meets legal requirements for chain-of-custody
- 10 concerns.
- 11 (F) Using a system that includes technical assistance capabilities.
- 12 (8) Require that all recorded data from body-worn cameras are
- 13 property of their respective law enforcement agency and shall not
- 14 be accessed or released for any unauthorized purpose, explicitly
- 15 prohibit agency personnel from accessing recorded data for
- 16 personal use and from uploading recorded data onto public and
- 17 social media Internet Web sites, and include sanctions for violations
- 18 of this prohibition.
- 19 (c) (1) For purposes of this section, “evidentiary data” refers
- 20 to data of an incident or encounter that could prove useful for
- 21 investigative purposes, including, but not limited to, a crime, an
- 22 arrest or citation, a search, a use of force incident, or a
- 23 confrontational encounter with a member of the public. The
- 24 retention period for evidentiary data are subject to state evidentiary
- 25 laws.
- 26 (2) For purposes of this section, “nonevidentiary data” refers
- 27 to data that does not necessarily have value to aid in an
- 28 investigation or prosecution, such as data of an incident or
- 29 encounter that does not lead to an arrest or citation, or data of
- 30 general activities the officer might perform while on duty.
- 31 (d) Nothing in this section shall be interpreted to limit the
- 32 public’s right to access recorded data under the California Public
- 33 Records Act (Chapter 3.5 (commencing with Section 6250) of
- 34 Division 7 of Title 1 of the Government Code).
- 35 SEC. 4. Section 13010.5 of the Penal Code is amended to read:
- 36 13010.5. The department shall collect data pertaining to the
- 37 juvenile justice system for criminal history and statistical purposes.
- 38 This information shall serve to assist the department in complying
- 39 with the reporting requirement of ~~subdivisions (e) and (d)~~
- 40 *paragraphs (3) and (4) of subdivision (a) of Section 13012,*

1 measuring the extent of juvenile delinquency, determining the
2 need for and effectiveness of relevant legislation, and identifying
3 long-term trends in juvenile delinquency. Any data collected
4 pursuant to this section may include criminal history information
5 which may be used by the department to comply with the
6 requirements of Section 602.5 of the Welfare and Institutions Code.

7 SEC. 5. Section 13012 of the Penal Code is amended to read:

8 13012. (a) The annual report of the department provided for
9 in Section 13010 shall contain statistics showing all of the
10 following:

11 (1) The amount and the types of offenses known to the public
12 authorities.

13 (2) The personal and social characteristics of criminals and
14 delinquents.

15 (3) The administrative actions taken by law enforcement,
16 judicial, penal, and correctional agencies or institutions, including
17 those in the juvenile justice system, in dealing with criminals or
18 delinquents.

19 (4) The administrative actions taken by law enforcement,
20 prosecutorial, judicial, penal, and correctional agencies, including
21 those in the juvenile justice system, in dealing with minors who
22 are the subject of a petition or hearing in the juvenile court to
23 transfer their case to the jurisdiction of an adult criminal court or
24 whose cases are directly filed or otherwise initiated in an adult
25 criminal court.

26 (5) (A) The total number of each of the following:

27 (i) ~~Citizen~~-*Civilian* complaints received by law enforcement
28 agencies under Section 832.5.

29 (ii) ~~Citizen~~-*Civilian* complaints alleging criminal conduct of
30 either a felony or misdemeanor.

31 (iii) ~~Citizen~~-*Civilian* complaints alleging racial or identity
32 profiling, as defined in subdivision (e) of Section 13519.4. These
33 statistics shall be disaggregated by the specific type of racial or
34 identity profiling alleged, such as based on a consideration of race,
35 color, ethnicity, national origin, religion, gender identity or
36 expression, sexual orientation, or mental or physical disability.

37 (B) The statistics reported under this paragraph shall provide,
38 for each category of complaint identified under subparagraph (A),
39 the number of complaints within each of the following disposition
40 categories:

1 (i) “Sustained,” which means that the investigation disclosed
2 sufficient evidence to prove the truth of allegation in the complaint
3 by preponderance of evidence.

4 (ii) “Exonerated,” which means that the investigation clearly
5 established that the actions of the personnel that formed the basis
6 of the complaint are not a violation of law or agency policy.

7 (iii) “Not sustained,” which means that the investigation failed
8 to disclose sufficient evidence to clearly prove or disprove the
9 allegation in the complaint.

10 (iv) “Unfounded,” which means that the investigation clearly
11 established that the allegation is not true.

12 (C) The reports under subparagraphs (A) and (B) shall be made
13 available to the public and disaggregated for each individual law
14 enforcement agency.

15 (b) It shall be the duty of the department to give adequate
16 interpretation of the statistics and so to present the information
17 that it may be of value in guiding the policies of the Legislature
18 and of those in charge of the apprehension, prosecution, and
19 treatment of the criminals and delinquents, or concerned with the
20 prevention of crime and delinquency. The report shall also include
21 statistics which are comparable with national uniform criminal
22 statistics published by federal bureaus or departments heretofore
23 mentioned.

24 (c) Each year, on an annual basis, the Racial and Identity
25 Profiling Board (RIPA), established pursuant to paragraph (1) of
26 subdivision (j) of Section 13519.4, shall analyze the statistics
27 reported pursuant to subparagraphs (A) and (B) of paragraph (5)
28 of subdivision (a) of this section. RIPA’s analysis of the complaints
29 shall be incorporated into its annual report as required by paragraph
30 (3) of subdivision (j) of Section 13519.4. The reports shall not
31 disclose the identity of peace officers.

32 SEC. 6. Section 13012.5 of the Penal Code is amended to read:

33 13012.5. (a) The annual report published by the department
34 under Section 13010 shall, in regard to the contents required by
35 *paragraph (4) of subdivision-(d) (a)* of Section 13012, include the
36 following statewide information:

37 (1) The annual number of fitness hearings held in the juvenile
38 courts under Section 707 of the Welfare and Institutions Code,
39 and the outcomes of those hearings including orders to remand to
40 adult criminal court, cross-referenced with information about the

1 age, gender, ethnicity, and offense of the minors whose cases are
2 the subject of those fitness hearings.

3 (2) The annual number of minors whose cases are filed directly
4 in adult criminal court under Sections 602.5 and 707 of the Welfare
5 and Institutions Code, cross-referenced with information about the
6 age, gender, ethnicity, and offense of the minors whose cases are
7 filed directly to the adult criminal court.

8 (3) The outcomes of cases involving minors who are prosecuted
9 in adult criminal courts, regardless of how adult court jurisdiction
10 was initiated, including whether the minor was acquitted or
11 convicted, or whether the case was dismissed and returned to
12 juvenile court, including sentencing outcomes, cross-referenced
13 with the age, gender, ethnicity, and offense of the minors subject
14 to these court actions.

15 (b) The department’s annual report published under Section
16 13010 shall include the information described in *paragraph (4) of*
17 *subdivision (a) of Section 13012*, as further delineated by this
18 section, beginning with the report due on July 1, 2003, for the
19 preceding calendar year.

20 SEC. 7. Section 41603 of the Vehicle Code is amended to read:

21 41603. No state or local agency employing peace officers or
22 parking enforcement employees engaged in the enforcement of
23 this code shall use the number of arrests or citations issued by a
24 peace officer or parking enforcement employees as the sole
25 criterion for promotion, demotion, dismissal, or the earning of any
26 benefit provided by the agency. Those arrests or citations, and
27 their ultimate dispositions, may only be considered in evaluating
28 the overall performance of a peace officer or parking enforcement
29 employees. An evaluation may include, but shall not be limited
30 to, criteria such as attendance, punctuality, work safety, complaints
31 by ~~citizens~~, *civilians*, commendations, demeanor, formal training,
32 and professional judgment.

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AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1957

Introduced by Assembly Member Quirk

February 12, 2016

An act to add Section 6254.31 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as amended, Quirk. Public records: body-worn cameras.

The California Public Records Act requires that public records be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies.

This bill would ~~require~~ *authorize* the governing board of ~~the~~ *a* law enforcement agency, in closed session, to review the footage from a body-worn camera when an officer is involved in an incident that results in great bodily ~~harm~~ *injury* or death. The bill would require the judge, if there is ~~an indictment~~ *a prosecution* after an investigation, to

determine the protocol for release of the footage from a body-worn camera. The bill would require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into a misconduct ~~that uses or involves that footage.~~ *allegation based on use of force resulting in great bodily injury or death.* The bill would also prohibit the public release of footage that relates to crimes of domestic violence or crimes that include minors or that includes statements of a witness at the scene of a crime.

By increasing the duties of local law enforcement, 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 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.

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

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

- 1 SECTION 1. Section 6254.31 is added to the Government
- 2 Code, to read:
- 3 6254.31. (a) Before the end of the business day following the
- 4 date on which the incident occurs, the governing body of the law
- 5 enforcement agency, in closed session, ~~shall~~ *may* review the footage
- 6 from a body-worn camera when the officer is involved in an
- 7 incident that results in great bodily ~~harm~~ *injury* or death.
- 8 (b) If, after reviewing the footage as required in subdivision (a),
- 9 there is an investigation that leads to ~~an indictment,~~ *prosecution,*
- 10 the judge shall review the body-worn camera footage and determine
- 11 the release protocol, including, but not limited to, whether the
- 12 footage is released, to whom, and if redaction is required.
- 13 (c) Except as provided in subdivision (d), notwithstanding
- 14 Section 6254, a state or local law enforcement agency shall make
- 15 available, upon request pursuant to this chapter, footage from a

1 law enforcement body-worn camera 60 days after the
2 commencement of an investigation into a misconduct ~~that uses or~~
3 ~~involves that footage.~~ *allegation based on use of force resulting*
4 *in great bodily injury or death depicted in the footage.*

5 (d) Footage of body-worn cameras that relates to crimes of
6 domestic violence or crimes that include minors or that includes
7 statements of a witness at the scene of a crime shall not be released
8 for public viewing.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution for certain
11 costs because, in that regard, the only costs that may be incurred
12 by a local agency or school district under this act would result
13 from a legislative mandate that is within the scope of paragraph
14 (7) of subdivision (b) of Section 3 of Article I of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2624

Introduced by Assembly Member Cooper

February 19, 2016

An act relating to ~~the Legislature~~. *peace officers*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2624, as amended, Cooper. ~~Legislative bill analysis: health impacts. Peace officers: community policing: report.~~

Existing law establishes the Legislative Analyst's Office (LAO) in state government and requires the LAO to perform various duties with regard to the analyses, impacts, and expected costs of proposed legislation. Existing law also creates the Commission on Peace Officer Standards and Training that, among other things, establishes levels of standards and training for peace officers, as specified.

This bill would require the LAO, in consultation with the commission, to conduct a study to determine the effectiveness of community policing and engagement programs, efforts, strategies, and policies in the state, including, but not limited to, police activities leagues, neighborhood watch programs, and integrated policing. The bill would require the LAO and the commission to report the findings with regard to the study to the Legislature on or before December 31, 2018.

~~Existing law, except for initiatives and referendums, vests the legislative power of this state in the California Legislature, which consists of the Senate and Assembly.~~

~~This bill would state the intent of the Legislature to enact legislation to create a task force to implement guidelines to create a health impacts framework for legislative bill analysis.~~

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

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

1 SECTION 1. (a) *The Legislative Analyst’s Office (LAO), in*
2 *consultation with the Commission on Peace Officer Standards and*
3 *Training, shall conduct a study to determine the effectiveness of*
4 *community policing and engagement programs, efforts, strategies,*
5 *and policies in the state, including, but not limited to, police*
6 *activities leagues, neighborhood watch programs, and integrated*
7 *policing. The LAO and the commission shall report the findings*
8 *with regard to the study to the Legislature on or before December*
9 *31, 2018.*

10 (b) *The report required by subdivision (a) shall be submitted*
11 *in compliance with Section 9795 of the Government Code.*

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation to create a task force to implement guidelines to create~~
14 ~~a health impacts framework for legislative bill analysis.~~

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ROUND TABLE DISCUSSION

INFORMATION ITEM

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

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: Alliant and Bickmore have been directed to organize and continue the NCCSIF Police Risk Management Committee. These meetings will be held on a quarterly basis and members have directed Alliant and Bickmore to include a Round Table Discussion Item in the Agendas.

ATTACHMENT(S): None.



TRAINING SESSION

INFORMATION ITEM

ISSUE: We will discuss police use of force and the mentally ill, and also the implementation of body camera programs.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: None.

ATTACHMENT(S): Training Announcement - Police Use of Force and the Mentally Ill, and the Implementation of Body Camera

Police Use of Force and the Mentally Ill Body Camera Implementation

We will discuss police use of force and the mentally ill, and also the implementation of body camera programs.

- Police training on threat recognition and use of force
- Police training on mentally ill/5150
- Review of training options on use of force and the mentally ill
- Crisis intervention teams
- Evolution of law in the 9th Circuit
- Risk management/best practices
- Body camera implementation/future litigation

Speaker:

Phil Downs is an associate practicing with the Allen, Glaessner, Hazelwood and Werth public entity litigation team, with particular focus defending police departments and their officers against civil rights claims. <http://www.aghwlaw.com/attorneys/phil-downs/>

Date:

May 5, 2016 at the Police Risk Management Committee meeting

Location:

Rocklin Community Center – Springview Hall

5480 5th Street

Rocklin, CA 95677

Target Audience:

Police Chiefs, Command Staff and others interested in this topic are encouraged to attend.

To Register: Please e-mail Raychelle Maranan at Raychelle.Maranan@alliant.com with the names of those who wish to attend.