



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, August 4, 2016
Time: 10:00 a.m. - 1:00 p.m.

Location: Rocklin Event Center - Garden Room
2650 Sunset Blvd.
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 - May 5, 2016		
	E. RISK MANAGEMENT		
pg. 7	1. Grant Funding for FY 16/17 <i>The Committee will discuss and may approve recommendation for Police Risk Management Grant Funds for 16/17.</i>	A	1
pg. 9	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. 42 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 - Introduction to Legal Marijuana for Law Enforcement** **I 1**
11:30 a.m. *Chris Halsor, founder of Understanding Legal Marijuana, LLC, will provide the necessary background on marijuana legalization.*
pg.

G. ADJOURNMENT

UPCOMING MEETINGS

- Claims Committee Meeting - September 29, 2016
- Executive Committee Meeting - September 29, 2016
- Risk Management Committee Meeting - October 27, 2016
- Board of Directors Meeting - October 27, 2016
- Police Risk Management Committee - November 3, 2016

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 - May 5, 2016



**MINUTES OF THE
NCCSIF POLICE RISK MANGEMENT COMMITTEE MEETING
ROCKLIN COMMUNITY EVENT CENTER, ROCKLIN, CA
MAY 5, 2016**

COMMITTEE MEMBERS PRESENT

Chief John Ruffcorn, City of Auburn
Chief Josh Fitch, City of Colusa
Lieutenant Tim Albright, City of Elk Grove
Chief Rex Marks, City of Lincoln
Chief Tim Foley, City of Nevada City

Assistant Chief Allen Byers, City of Oroville
Lieutenant Stephen Rowe, Town of Paradise
Lieutenant Forrest Richardson, City of Rocklin
Chief Robert Landon, City of Yuba City

OTHER MEMBERS PRESENT

Liz Ehrenstrom, City of Oroville

Lieutenant Gil Zarate, City of Oroville

GUESTS & CONSULTANTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services

Tom Kline, Bickmore
Phil Downs, Allen, Glaessner, Hazelwood &
Werth, LLP

A. CALL TO ORDER

Chief John Ruffcorn called the meeting to order at 10:11 a.m.

B. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Chief Tim Foley

Second: Chief Josh Fitch

Motion Carried

C. PUBLIC COMMENTS

There were no public comments.

D. CONSENT CALENDAR

1. Police Risk Management Committee Meeting Minutes - February 4, 2016 (Draft)

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

Motion: Chief Josh Fitch

Second: Chief Rex Marks

Motion Carried

E. RISK MANAGEMENT

E1. FY 15/16 Grant Funding Allocation

Mr. Marcus Beverly indicated the Committee have had discussion on possible uses for the 15/16 Police Risk Management Grant Funds. Due to varying needs of each agency, the funds can be allocated to the members based on the same allocation used for the 14/15 body camera grants. Allotment of funds is equal to the cost of the number of cameras previously distributed to the members. The discounted group rate per camera is \$757.50.

The Committee had lengthy discussion about options to use the grant for other risk management functions specifically for those members that have fully funded their body camera program, such as replacing duty belts with duty vests. Options for other uses would make the best use of the grant funds.

Mr. Beverly indicated the process to request use of the Police Risk Management Grant can follow the same guidelines as the Risk Management Reserve Fund. The use of Police Risk Management Grant is subject to the Executive Committee approval and therefore, the alternative use of the funds for other risk management functions as discussed will be presented to the Executive Committee meeting on May 19, 2016.

Mr. Beverly indicated the City of Anderson and the City of Galt have yet implemented a body camera program at their agency. Chief Ruffcorn indicated he reached out to both Chiefs to personally invite them to the meetings.

E2. Legislative Update

Mr. Tom Kline updated the Committee as to the status of the following bills that 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)

Mr. Kline indicated Governor Jerry Brown just signed a package of tobacco bills into law on May 4, 2016, including one that will raise the legal smoking age from 18 to 21.

E3. Round Table Discussion

Chief Foley thanked the Committee members for sharing their policy on Academy Sponsorship. It is good resource for him to start a similar program at his agency.

The Committee discussed future training and expressed interest in the following topics listed in ascending order:

- Medical Marijuana
- Use of Force - officer involve shootings, canine, pursuit policy and reporting requirements. Noted Preference for Bruce Praet.
- Crisis Intervention Team - CIT Training
- Below 100

Mr. Beverly commended Chief Ruffcorn for his recent achievement as the recipient of the National Public Safety Director of the Year.

The Committee recessed for lunch at 10:54 a.m.

The meeting reconvened at 11:28 a.m. and resumed with the training presentation.

F. Training Session - Police Use of Force and the Mentally Ill, and the Implementation of Body Camera

Phillip J. Downs, Esq. from Allen, Glaessner, Hazelwood & Werth, LLP presented on the topic on legal issues regarding police use of force against mentally ill and how video recordings can impact a case during litigation.

G. ADJOURNMENT

The meeting was adjourned at 12:50 p.m.

Next Meeting Date: August 4, 2016 in Rocklin, CA

Respectfully Submitted,

Corey Shaver, Secretary

Date



GRANT FUNDING FOR FY 16/17

ACTION ITEM

ISSUE: The Board approved a budget of \$50,000 for Police Risk Management Grants for 16/17 subject to approval of any PRMC recommendation by the Executive Committee. This item is for members to discuss possible uses of the grant funds.

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 of \$50,000 were allocated to the members for primary use to fund the body camera program, or if the body camera program is fully funded member agency have option to use the funds for other risk management function.

ATTACHMENT(S): 15/16 Police Risk Management Grant Funds Allocation Approved 2016

**Police Risk Management Grant Funds
15/16 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



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
(5/27/16 – In committee: held under submission)
2. Assembly Bill AB 1860 – Alejo – Local law enforcement: body-worn cameras: grant program
(5/27/16 – In committee: held under submission)
3. Assembly Bill AB 1940 – Cooper – Peace officers: body-worn cameras: policies and procedures
(6/28/16 – In committee: Set, first hearing. Failed passage)
4. Assembly Bill AB 1953 – Weber – Peace officers: civilian complaints
(7/11/16 – Enrolled and presented to the Governor)
5. Assembly Bill AB 1957 – Quirk – Public records: body-worn cameras
(6/13/16 – Stricken from file)
6. Assembly Bill AB 2624 – Cooper – Peace officers: community policing: report
(5/27/16 – In committee: held under submission)

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.

98

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 MAY 31, 2016

AMENDED IN ASSEMBLY MAY 3, 2016

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 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.

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. *The bill would also require the policy to prohibit a peace officer from making a video or audio recording in a health facility or medical office when a patient may be in view of the body-worn camera or when a health care practitioner is providing care to an individual.* 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. The bill would require the policy to be available to peace officers and to the public for viewing. The bill would prohibit a peace officer from using a personal device to make an unauthorized recording of the video or audio taken from a body-worn camera. The bill would also require a law enforcement agency to have an assigned independent investigator or a supervisor accompany a peace officer involved in an incident involving a serious use of force, as defined, when reviewing the peace officer’s body-worn camera recording. *The bill would provide that its provisions do not apply to a law enforcement agency, department, or entity that has developed a body-worn camera policy, as specified, before January 1, 2017.* Because this bill would impose new duties on the conduct of local law enforcement, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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 832.19 is added to the Penal Code, to
 2 read:
 3 832.19. (a) (1) If a law enforcement agency, department, or
 4 entity that employs peace officers uses body-worn cameras for
 5 those officers, the agency, department, or entity shall develop a
 6 policy relating to the use of body-worn cameras.

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

2 (A) “Body-worn camera” means a device attached to the uniform
3 or body of a peace officer that records video, audio, or both, in a
4 digital or analog format.

5 (B) “Peace officer” means any person designated as a peace
6 officer pursuant to this chapter.

7 (C) “Serious use of force” means any of the following:

8 (i) Force resulting in death.

9 (ii) Force resulting in a loss of consciousness.

10 (iii) Force resulting in protracted loss, impairment, serious
11 disfigurement, or function of any body part or organ.

12 (iv) A weapon strike to the head.

13 (v) Intentional firearm discharge at a person, regardless of injury.

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

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

22 (3) A peace officer involved in an incident involving a serious
23 use of force shall not review his or her body-worn camera recording
24 until accompanied by an assigned independent investigator or a
25 supervisor. The separating and monitoring of the peace officer
26 involved in a serious use of force shall be maintained during the
27 review of the body-worn camera video and audio recordings and
28 this review shall not occur jointly among involved employees.
29 Once the recordings are approved, as to the validity of the
30 body-worn camera recordings and any other relevant recordings
31 are also approved as their validity, an officer may have a legal
32 representative present during the review of the recordings without
33 the independently assigned investigator or supervisor present,
34 before the peace officer makes a report, is ordered to give an
35 internal affairs statement, or before any criminal or civil
36 proceeding.

37 (4) The policy shall be available to all peace officers in a written
38 form.

39 (5) The policy shall be available to the public for viewing.

1 (6) *The policy shall prohibit a peace officer from making a video*
2 *or audio recording in a health facility or medical office when a*
3 *patient may be in view of the body-worn camera or when a health*
4 *care practitioner is providing care to an individual.*

5 (c) The policy shall be developed in accordance with the
6 Meyers-Milias-Brown Act (Chapter 10 (commencing with Section
7 3500) of Division 4 of Title 1 of the Government Code) and the
8 Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512)
9 of Division 4 of Title 1 of the Government Code).

10 (d) In developing the policy, law enforcement agencies,
11 departments, or entities are encouraged to include the following
12 in the policy:

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

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

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

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

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

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

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

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

31 (9) The transfer and use of body-worn camera video and audio
32 recordings to other law enforcement agencies, including
33 establishing what constitutes a need-to-know basis and what
34 constitutes a right-to-know basis.

35 (e) A peace officer shall not use a personal device to make an
36 unauthorized recording of the video or audio taken from a
37 body-worn camera.

38 (f) *This section shall not apply to a law enforcement agency,*
39 *department, or entity that has developed a body-worn camera*
40 *policy in accordance with the Meyers-Milias-Brown Act (Chapter*

1 *10 (commencing with Section 3500) of Division 4 of Title 1 of the*
2 *Government Code) or the Ralph C. Dills Act (Chapter 10.3*
3 *(commencing with Section 3512) of Division 4 of Title 1 of the*
4 *Government Code) before January 1, 2017.*

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

O

Assembly Bill No. 1953

Passed the Assembly April 11, 2016

Chief Clerk of the Assembly

Passed the Senate June 30, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

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

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

8332. It is the intent of the Legislature that this chapter does not apply to the Reporting of Improper Governmental Activities Act (Article 3 (commencing with Section 8547) of Chapter 6.5)

or the procedures established to investigate civilians' complaints against peace officers as required by Section 832.5 of the Penal Code.

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

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

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

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Complainant

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

(b) Every person who files a civil claim against a peace officer or a lien against his or her property, knowing the claim or lien to be false and with the intent to harass or dissuade the officer from

carrying out his or her official duties, is guilty of a misdemeanor. This section applies only to claims pertaining to actions that arise in the course and scope of the peace officer's duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Using an experienced and reputable third-party vendor.

(B) Entering into contracts that govern the vendor relationship and protect the agency's data.

(C) Using a system that has a built-in audit trail to prevent data tampering and unauthorized access.

(D) Using a system that has a reliable method for automatically backing up data for storage.

(E) Consulting with internal legal counsel to ensure the method of data storage meets legal requirements for chain-of-custody concerns.

(F) Using a system that includes technical assistance capabilities.

(8) Require that all recorded data from body-worn cameras are property of their respective law enforcement agency and shall not be accessed or released for any unauthorized purpose, explicitly prohibit agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media Internet Web sites, and include sanctions for violations of this prohibition.

(c) (1) For purposes of this section, “evidentiary data” refers to data of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. The retention period for evidentiary data are subject to state evidentiary laws.

(2) For purposes of this section, “nonevidentiary data” refers to data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the officer might perform while on duty.

(d) Nothing in this section shall be interpreted to limit the public’s right to access recorded data under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 4. Section 13010.5 of the Penal Code is amended to read:

13010.5. The department shall collect data pertaining to the juvenile justice system for criminal history and statistical purposes. This information shall serve to assist the department in complying with the reporting requirement of paragraphs (3) and (4) of subdivision (a) of Section 13012, measuring the extent of juvenile delinquency, determining the need for and effectiveness of relevant legislation, and identifying long-term trends in juvenile delinquency. Any data collected pursuant to this section may include criminal history information which may be used by the department to comply with the requirements of Section 602.5 of the Welfare and Institutions Code.

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

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

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

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

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

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

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

(i) Civilian complaints received by law enforcement agencies under Section 832.5.

(ii) Civilian complaints alleging criminal conduct of either a felony or misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

(1) The annual number of fitness hearings held in the juvenile courts under Section 707 of the Welfare and Institutions Code, and the outcomes of those hearings including orders to remand to adult criminal court, cross-referenced with information about the age, gender, ethnicity, and offense of the minors whose cases are the subject of those fitness hearings.

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

(3) The outcomes of cases involving minors who are prosecuted in adult criminal courts, regardless of how adult court jurisdiction

was initiated, including whether the minor was acquitted or convicted, or whether the case was dismissed and returned to juvenile court, including sentencing outcomes, cross-referenced with the age, gender, ethnicity, and offense of the minors subject to these court actions.

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

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

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

AMENDED IN ASSEMBLY MAY 18, 2016
AMENDED IN ASSEMBLY APRIL 25, 2016
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 authorize the governing board of a law enforcement agency, in closed session, to review the footage from a body-worn camera when a peace officer who was wearing the camera is involved ~~in~~ *in, or was a witness to,* an incident that results in great bodily injury *to,* or death ~~of~~ *of,* a person other than the peace officer. The bill would ~~require the judge, if there is a prosecution of the peace officer after an investigation,~~ *require, if there is an investigation into an allegation of misconduct by the peace officer, and the investigation leads to criminal prosecution of the peace officer within 60 days after the commencement of the investigation, the judge to determine the protocol for release of the footage from a body-worn camera. The bill would require a require, if there is no investigation into an allegation of misconduct by the peace officer, or if there is an investigation, but the investigation does not lead to criminal prosecution of the peace officer within 60 days of the commencement of the investigation, the state or local law enforcement agency employing the peace officer to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into an allegation of misconduct by the peace officer based on use of force resulting in great bodily injury or death of a person other than the peace officer. the investigation.* The bill would also prohibit the public ~~release~~ *release, as specified,* of footage that relates to crimes of domestic violence, crimes that include minors, or that includes statements of a witness at the scene of a crime, subject to a specified exception.

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, 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.

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.

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, may review the footage
6 from a body-worn camera when the peace officer who was wearing
7 the camera is involved ~~in~~ *in, or was a witness to*, an incident that
8 results in great bodily injury *to*, or the death ~~of~~ *of*, a person other
9 than the peace officer.

10 (b) ~~If, after reviewing the footage as authorized in subdivision~~
11 ~~(a), there is an investigation that leads to prosecution of the peace~~
12 ~~officer, the judge shall review the~~ *If there is an investigation into*
13 *an allegation of misconduct by a peace officer based on the peace*
14 *officer's use of force, which resulted in great bodily injury to, or*
15 *the death of, a person other than the peace officer, and that*
16 *investigation leads to criminal prosecution of the peace officer*
17 *within 60 days after the commencement of the investigation, the*
18 *judge shall review the footage from any body-worn camera* ~~footage~~
19 ~~worn by the peace officer involved, or by a peace officer who was~~
20 ~~a witness to the incident, and determine the release protocol,~~
21 including, but not limited to, whether the footage is released, to
22 whom, and if redaction is required.

23 (c) Except as provided in subdivision (d), *and notwithstanding*
24 ~~Section 6254, a~~ *if there is not an investigation into an allegation*
25 *of misconduct by a peace officer based on the peace officer's use*
26 *of force, which resulted in great bodily injury to, or the death of,*
27 *a person other than the peace officer, or if there is an investigation,*
28 *but the investigation does not lead to criminal prosecution of the*
29 *peace officer within 60 days after the commencement of the*
30 *investigation, the state or local law enforcement agency employing*
31 *the peace officer shall make available, upon request pursuant to*
32 *this chapter, the footage from a law enforcement body-worn camera*

1 worn by the peace officer involved, or by a peace officer who was
 2 a witness to the incident, within 60 days after the commencement
 3 of an investigation into an allegation of misconduct by the peace
 4 officer based on use of force resulting in great bodily injury or
 5 death of a person other than the peace officer depicted in the
 6 footage. This subdivision shall only apply where the investigation
 7 does not result in charges of misconduct against the officer. *the*
 8 *investigation.*

9 (d) Footage of body-worn cameras that relates to crimes of
 10 domestic violence, crimes that include minors, or that includes
 11 statements of a witness at the scene of a crime shall not be released
 12 for public viewing pursuant to subdivision (c) if the public interest
 13 in nondisclosure, or the privacy interests of any person depicted
 14 in the footage clearly outweighs the public interest in disclosure
 15 and it is not feasible to redact the portion of the recording that
 16 shows domestic violence, minors, or statements of a witness from
 17 the footage.

18 SEC. 2. No reimbursement is required by this act pursuant to
 19 Section 6 of Article XIII B of the California Constitution for certain
 20 costs because, in that regard, the only costs that may be incurred
 21 by a local agency or school district under this act would result
 22 from a legislative mandate that is within the scope of paragraph
 23 (7) of subdivision (b) of Section 3 of Article I of the California
 24 Constitution.

25 However, if the Commission on State Mandates determines that
 26 this act contains other costs mandated by the state, reimbursement
 27 to local agencies and school districts for those costs shall be made
 28 pursuant to Part 7 (commencing with Section 17500) of Division
 29 4 of Title 2 of the Government Code.

30 SEC. 3. The Legislature finds and declares that Section 1 of
 31 this act, which adds Section 6254.31 to the Government Code,
 32 furthers, within the meaning of paragraph (7) of subdivision (b)
 33 of Section 3 of Article I of the California Constitution, the purposes
 34 of that constitutional section as it relates to the right of public
 35 access to the meetings of local public bodies or the writings of
 36 local public officials and local agencies. Pursuant to paragraph (7)
 37 of subdivision (b) of Section 3 of Article I of the California
 38 Constitution, the Legislature makes the following findings:

39 By expanding public access to footage obtained from a law
 40 enforcement body-worn camera, *body-worn cameras*, this bill

- 1 furthers the purpose of paragraph (7) of subdivision (b) of Section
- 2 3 of Article I of the California Constitution.

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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: With the Adult Use of Marijuana Act on the California ballot in November, law enforcement needs to be prepared for the possibility that recreation marijuana will become a reality. This training session will provide the necessary background on marijuana legalization.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: None.

ATTACHMENT(S): Training Announcement - Introduction to Legal Marijuana for Law Enforcement

Introduction to Legal Marijuana for Law Enforcement

With the *Adult Use of Marijuana Act* on the California ballot in November, law enforcement needs to be prepared for the possibility that recreational marijuana will become a reality. The NCCSIF Police Risk Management Committee (PRMC) is providing a training featuring Mr. Chris Halsor. He is a Colorado attorney with over 8 years of experience as a line prosecutor in the Denver area and then 6 years as the state's first Traffic Safety Resource Prosecutor (TSRP). He is the founder of Understanding Legal Marijuana, LLC.

Mr. Halsor will provide the necessary background on marijuana legalization, including:

- The state of legalization
- Overview of the Adult Use of Marijuana Act
- Medical Marijuana
- Marijuana – the drug, the products and production
- Issues for law enforcement
 - Possession
 - Consumption
 - Cultivation
 - Transportation
 - Distribution
 - Constitutional Issues
 - DUI
- Effectively responding to legalization

Speaker:

Chris Halsor is a Colorado attorney with over 8 years of experience as a line prosecutor in the Denver area and then 6 years as the state's first Traffic Safety Resource Prosecutor (TSRP). He is the founder of Understanding Legal Marijuana, LLC.



Date:

August 4, 2016 at the PRMC meeting which will start at 10 am and end at 1 pm

Location:

Rocklin Event Center - Garden Room
2650 Sunset Blvd.
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