

AMENDED IN SENATE AUGUST 25, 2020
AMENDED IN SENATE AUGUST 17, 2020
AMENDED IN SENATE JUNE 17, 2020
AMENDED IN ASSEMBLY JANUARY 15, 2020
AMENDED IN ASSEMBLY JANUARY 6, 2020
AMENDED IN ASSEMBLY MAY 17, 2019
AMENDED IN ASSEMBLY APRIL 11, 2019
AMENDED IN ASSEMBLY APRIL 1, 2019
AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1506

Introduced by Assembly Members McCarty, Bauer-Kahan, Berman, Bloom, Bonta, Burke, Carrillo, Chiu, Chu, Eggman, Friedman, Gabriel, Cristina Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Levine, Medina, Muratsuchi, Quirk, Reyes, Luz Rivas, Robert Rivas, Santiago, Mark Stone, Ting, Weber, and Wicks

(Coauthor: Assembly Member Low)

(Principal coauthors: Senators Allen, Beall, Bradford, Dodd, Durazo, Lena Gonzalez, Hueso, Mitchell, Pan, Stern, Wieckowski, and Wiener)

February 22, 2019

An act to add Section 12525.3 to the Government Code, relating to the Department of Justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1506, as amended, McCarty. Police use of force.

Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

Existing law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury.

This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

The

~~This bill would also require a state prosecutor to investigate incidents of officer-involved use of force resulting in the death of an unarmed civilian, and would require the state prosecutor to conduct an investigation upon request from a local law enforcement agency, district attorney, city council, or county or city and county board of supervisors, on an incident involving the use of force by a peace officer that resulted in the death of a civilian. an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report, and would require the state prosecutor to post any reports made on a public internet website. The bill would authorize the state prosecutor to seek reimbursement, in full or in part, from the local entity for appropriate costs associated with the investigation, thereby imposing a state-mandated local program.~~

~~The bill would provide that, if no appropriation is made by the Legislature to fund these programs, the programs shall operate using existing Department of Justice funds.~~

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

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

~~reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The bill would require, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.

The bill would require the department to implement these provisions subject to an appropriation for this purpose.

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 12525.3 is added to the Government
2 Code, to read:

3 12525.3. (a) ~~(1) A~~ *For purposes of this subdivision, the*
4 *following definitions apply:*

5 (1) *“Deadly weapon” includes, but it not limited to, any loaded*
6 *weapon from which a shot, readily capable of producing death or*
7 *other serious physical injury, may be discharged, or a switchblade*
8 *knife, pilum ballistic knife, metal knuckle knife, dagger, billy,*
9 *blackjack, plastic knuckles, or metal knuckles.*

10 (2) *“Unarmed civilian” includes anyone who is not in*
11 *possession of a deadly weapon.*

12 (b) (1) *A state prosecutor shall investigate incidents of*
13 ~~officer-involved use of force~~ *an officer-involved shooting resulting*
14 *in the death of an unarmed civilian. The Attorney General is the*
15 *state prosecutor unless otherwise specified or named.*

16 ~~(2) The state prosecutor shall also conduct an investigation upon~~
17 ~~request from a local law enforcement agency, district attorney,~~
18 ~~city council, or county or city and county board of supervisors, on~~
19 ~~an incident involving the use of force by a peace officer that~~
20 ~~resulted in the death of a civilian.~~

21 (3)

22 (2) *The state prosecutor is authorized to do all of the following:*

23 (A) *Investigate and gather facts in—incidents an incident*
24 ~~involving the use of force~~ *a shooting by a peace officer that result*
25 *results in the death of an unarmed civilian.*

~~(B) Investigate and gather facts in an incident involving the use of force by a peace officer that results in the death of a civilian upon request from a local law enforcement agency, district attorney, a city council, or county or city and county board of supervisors.~~

~~(C)~~

(B) For all investigations conducted, prepare and submit a written report. The written report shall include, at a minimum, the following information:

(i) A statement of the facts.

(ii) A detailed analysis and conclusion for each investigatory issue.

(iii) Recommendations to modify the policies and practices of the law enforcement agency, as applicable.

~~(D)~~

(C) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer.

~~(4) Reimbursement may be sought, in full or in part, from the local entity for appropriate costs associated with the investigation.~~

~~(5)~~

(3) The state prosecutor shall post and maintain on a public internet website each written report prepared by the state prosecutor pursuant to this subdivision, appropriately redacting any information in the report that is required by law to be kept confidential.

~~(b)~~

(c) (1) Commencing on July 1, 2023, the Attorney General shall operate a Police Practices Division within the Department of Justice to, upon request of a local law enforcement agency, review the use of deadly force policies of that law enforcement agency.

(2) The program described in ~~this subdivision~~ *paragraph (1)* shall make specific and customized recommendations to any law enforcement agency that requests a review pursuant to ~~this section, paragraph (1)~~, based on those policies identified as recommended best practices.

~~(e)~~

(d) This section does not limit the Attorney General's authority under the California Constitution or any applicable state law.

1 ~~(d) If an appropriation is not made by the Legislature to fund~~
2 ~~this section, the Department of Justice shall implement the~~
3 ~~requirements of this section using existing department funding.~~

4 ~~(e) Subject to an appropriation for this purpose by the~~
5 ~~Legislature, the department shall implement this section.~~

6 ~~SEC. 2. If the Commission on State Mandates determines that~~
7 ~~this act contains costs mandated by the state, reimbursement to~~
8 ~~local agencies and school districts for those costs shall be made~~
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
10 ~~4 of Title 2 of the Government Code.~~