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Testimony to the Little Hoover Commission

February 11, 2021

**Legislative Action on Peace Officer Training 2011 -2020:**

- I. The Legislature introduced approximately 30 bills on peace officer training from 2011-2020. Roughly a 1/4 of those bills were chaptered into law.
- II. Issue areas the Legislature has targeted with bills for training mandates or POST training curriculum:
  - a. Mental Health - Crisis Intervention Training.
  - b. Gender identity/sexual orientation/implicit bias.
  - c. Elder Abuse and Dependent Adult crimes.
  - d. Gun violence restraining orders.
  - e. Domestic Violence.
  - f. Commercial Sexual Exploitation of Children.
- III. Reasons for legislative focus on peace officer training:
  - a. Legislature feel that implementation of existing law needs extra attention/ or a policy emphasis that is otherwise falling through the cracks.
  - b. Brought to the Legislature's attention by accounts in the media or highlighted by stakeholders/interest groups.
- IV. Peace officer training bills have been directed at different aspects of officer development/status:
  - a. Preemployment Training (Basic Training during Academy) vs. On the Job Training (Continuing Education).
  - b. Required training vs. POST curriculums which are developed and available for use on a non-mandatory basis.
- V. The Legislature has also created training demands on POST and individual law enforcement agencies by creating new standards for peace officers.

- a. Use of force Standards. Requiring every department to have policies on use of force. Changing the legal use of force standards requires POST to alter training materials. Requiring each police agency to have specific use of force policies demands that officers are trained to those requirements.
- VI. Training bills have also been introduced as follow ups to legislative changes which the Legislature do not feel are being effectively implemented.
- VII. Training bills have generally been passed out of policy committee, but have struggled to make it out of appropriations.
- VIII. Peace officer training bills this session:
  - a. Hate crimes.
  - b. Police agency departmental use of force policies.

### **Overview of Peace Officer Training Bills for the Last 10 Years:**

#### *AB 2642 (Furutani) 2011 – Never heard in Assembly Public Safety*

Existing law requires POST to implement a course for the training of law enforcement officers in the handling of acts of civil disobedience and adopt guidelines that may be followed by police agencies in responding to acts of civil disobedience.

This bill would have required that the course of training for law enforcement officers also include adequate consideration of cultural competency in regard to race, ethnicity, gender, and sexual orientation.

#### *AB 2623 (Pan) 2013 – Chaptered*

Existing law required every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties to complete an elder and dependent adult abuse training course certified by POST within 18 months of assignment to field duties.

This bill added to that list of subjects the legal rights of, and remedies available to, victims of elder or dependent adult abuse, as specified. The bill also required the commission to additionally consult with local adult protective services offices and with the Office of the State Long-Term Care Ombudsman when producing new or updated training materials.

#### *AB 373 (Medina) 2015 – Held in Assembly Appropriations*

The bill would have required, if the police chief or county sheriff determined that Indian tribal lands exist within his or her jurisdiction, to ensure that those peace officers employed by the agency who work in, or adjacent to, Indian tribal lands, or who may be responsible for responding to calls for service on, or adjacent to, Indian tribal lands, complete a course that includes, but is not limited to, a review of PL-280.

*SB 11 (Beall) 2015 – Chaptered*

This bill requires POST to review the training module relating to persons with a mental illness, intellectual disability, or substance abuse disorder in its basic training course, and develop additional training to better prepare law enforcement officers to recognize, deescalate, and appropriately respond to persons with mental illness, intellectual disability, or substance use disorders. The bill requires that this training be at least 15 hours, address issues relating to stigma, be culturally relevant and appropriate, include training scenarios and facilitated learning activities, and be included in the current hour requirement of the regular basic course.

The bill would also requires POST to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disabilities, and substance use disorders.

*AB 1227 (Cooper) 2015 - Held in Assembly Appropriations*

Existing law requires POST to establish and keep updated a continuing education classroom training course for peace officer interactions with persons with mental illnesses or developmental disabilities. Under existing law, this course includes training in identifying indicators of mental disability, conflict resolution techniques, and alternatives to lethal force.

This bill would have required POST, in collaboration with relevant stakeholders, to study and submit a report to the Legislature, on or before December 31, 2017, that assesses the statuses of the training courses described above, assesses whether the courses cover all appropriate topics, and identifies areas where additional training may be needed.

*AB 334 (Cooley) 2015 – Held in Assembly Appropriations*

This bill would have required POST to ensure that the profiling of motorcycle riders is addressed in the course of basic law enforcement training and offered to law enforcement officers in conjunction with existing training regarding profiling.

*SB 29 (Beall) 2015 – Chaptered*

This bill requires POST to require field training officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training, as specified.

*AB 2626 (Jones-Sawyer) 2016 - Held in Assembly Appropriations*

This bill would have required POST to develop and disseminate training for peace officers on principled policing, which would include the subjects of procedural justice and implicit bias, as defined. The bill would have required the commission to offer the principled policing course and the training course quarterly commencing in June 2017. The bill would have required POST, no later than June 1, 2018, to evaluate its current course of basic training and promulgate a plan to incorporate the concepts of principled policing into its course of basic training and would require each peace officer to complete a refresher course no less than every 5 years.

*SB 1331 (Jackson) 2017 – Chaptered*

Existing law requires POST to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence.

This bill required the course to include procedures and techniques for assessing lethality or signs of lethal violence in domestic violence situations.

*AB 2992 (Daly) 2017 – Chaptered*

This bill required POST to develop a course on commercial sexual exploitation of children (CSEC) and victims of human trafficking. The bill requires the course to include specified topics and components including, among others, recognizing indicators of commercial sexual exploitation, appropriate interviewing techniques, local and state resources available to first responders, and issues of stigma.

*AB 2504 (Low) 2017 – Chaptered*

This bill required POST to develop and implement a course of training regarding sexual orientation and gender identity minority groups in this state. The bill required the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers and would require the course or courses to include specified topics, including the terminology used to identify and describe sexual orientation and gender identity and how to create an inclusive workplace within law enforcement for sexual orientation and gender identity minorities.

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*AB 243 (Kamlager) – 2019 – Held in Senate Appropriations*

Existing law requires every peace officer to participate in expanded training prescribed by POST that includes and examines evidence-based patterns, practices, and protocols that make up racial and identity profiling, including implicit bias. Once basic training is completed, existing law requires specified peace officers to complete a refresher course on racial and identity profiling at least every 5 years.

This bill would have required those peace officers currently required to take the refresher course

every 5 years, and additional peace officers, as specified, to instead take refresher training on racial and identity profiling, including the understanding of implicit bias and the promotion of bias-reducing strategies, at least every 2 years.

*AB 837 (Holden) 2019 – Held in Assembly Appropriations*

Existing law requires POST to develop guidelines for instruction and training of law enforcement officers addressing hate crimes.

This bill would have required each local law enforcement agency to require peace officers to attend periodic training in the investigation of hate crimes, using the most recent POST training materials, and would authorize each agency to make the training culturally relevant to the community served by that agency.

*AB 1052 (Chu) – 2019 Held in Senate Appropriations*

This bill would have required the basic course curriculum on the topic of hate crimes to include the viewing of a specified video course developed by POST. The bill would also have required POST to make the video available via the online learning portal, and would require all peace officers to view the video no later than January 1, 2021. The bill would also have required POST to develop and periodically update an interactive refresher course on hate crimes for in-service peace officers, and require officers to take the course every 3 years.

*AB 1199 (Nazarian) – 2019 – Held in Assembly Appropriations*

This bill would have required POST to develop and implement training for peace officers regarding encounters with dogs. This bill would also have required specified law enforcement officers, including municipal police officers and county sheriff's deputies, to receive that training.

*AB 165 (Gabriel) 2019 – Held in Senate Appropriations*

This bill would have required POST to develop and implement, on or before January 1, 2021, a course of training regarding gun violence restraining orders. The bill would have required the course to be incorporated into the course or courses of basic training for law enforcement officers on or before January 1, 2021, and would required the course or courses to include specified topics, including the process of filing a petition for gun violence restraining orders and situational training to assist officers in identifying when a gun violence restraining order is appropriate.

*AB 1170 (Frazier) 2019 – Held in Assembly Appropriations*

Existing law requires POST to establish a continuing education classroom training course related to law enforcement interaction with mentally disabled persons and to make the course available to law enforcement agencies in California.

This bill would have required POST, on or before January 1, 2021, and in consultation with the State Department of Developmental Services, the State Council on Developmental Disabilities, and representatives of community colleges, to incorporate in-person training provided by individuals with intellectual and developmental disabilities into that training course.

*AB 2236 (Gabriel) 2020 – Held in Assembly Appropriations*

This bill would have required POST to develop and periodically update an interactive refresher course on hate crimes for in-service peace officers, and require specified peace officers to take the course every 5 years.

*AB 2616 (Gabriel) – 2020 – Never heard in Assembly Public Safety*

This bill would have required peace officer training on gun violence restraining orders.

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