

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: April 19, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No:
Chief Legislative Analyst Assignment No: 18-04-0294

SUBJECT: Police Department Recommendation to include Support for AB 2504 in the 2017-2018 State Legislative Program

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2017 - 2018 State Legislative Program SUPPORT for AB 2504 (Jones-Sawyer).

SUMMARY

On April 3, 2018, the Police Department (LAPD) forwarded a bill response report to the Chief Legislative Analyst's Office seeking a City position in support of AB 2504 (Jones-Sawyer). This bill would require the Commission on Peace Officer Standards and Training (POST) to develop and implement a training course regarding sexual orientation and gender identity minority groups by January 1, 2020.

Upon review, this Office has prepared the attached Resolution in support of this legislation. The Resolution seeks an official position of the City of Los Angeles to support SB 2504 (Jones-Sawyer).

BACKGROUND

Under California law, POST training is required for all peace officers. POST is authorized to adopt rules establishing minimal standards related to physical, mental and moral fitness and training that governs the recruitment of any peace officer in California. Currently, POST requires peace officers to be trained on a variety of issues, including courses on proper interactions with the elderly, people suffering from mental illness and persons with disabilities, training on the racial and cultural differences among California residents, and courses on to how to handle domestic abuse investigations and how to respond to human trafficking complaints.

AB 2504 would require POST to develop and implement a mandatory course of training regarding sexual orientation and gender identity minorities by January 1, 2020. All individuals going through basic training to become peace officers in California would be required to complete this course. Additionally, existing law enforcement officers, administrators, executives and dispatchers would be required to participate in supplementary training on this topic by December 31, 2022.

Proponents of AB 2504 state that this bill will better prepare peace officers to respond to incidents that involve LGBTQ individuals, and will train law enforcement officers on the history and proper terminology regarding gender identity and sexual orientation, as well as best practices on how to respond to hate crimes and domestic violence cases that involve LGBTQ victims.

The LAPD states that it is in support of this bill, as this training will increase officer's awareness of issues related to sexual and gender identity, and allow LAPD personnel to more effectively respond to domestic violence and hate crimes involving LGBTQ victims. Further, this training will foster an inclusive workplace within law enforcement, and may help reduce workplace conflicts and hostile work environment claims.

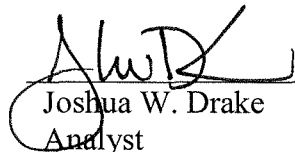
Currently, all LAPD officers are required to take a four-hour LGBTQ cultural competency training course during recruit basic course. The LAPD also has a four-hour block of in-service training for officers in these issues.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

02/14/2018	Bill introduced
03/02/2018	Referred to the Assembly Committee on Public Safety
03/22/2018	From committee, with author's amendments: re-referred to the Committee on Public Safety. Read second time and amended
04/02/2018	Referred to the Assembly Committee on Public Safety


Joshua W. Drake
Analyst

SMT:jwd

Attachments: (1) Resolution
(2) AB 2504 (Jones-Sawyer)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California authorizes the Commission on Peace Officer Standards and Training (POST) to develop and implement training for peace officers on a variety of issues; and

WHEREAS, there is currently no state-mandated training for peace officers on sexual orientation and gender identity minority groups; and

WHEREAS, LGBTQ individuals are victims of domestic violence at similar rates to heterosexual people and a significant number of perpetrators of hate crimes target LGBTQ people; and

WHEREAS, AB 2504 (Jones-Sawyer) would require POST to develop training related to sexual orientation and gender identity groups and require all peace officers in the state to undergo this training; and

WHEREAS, peace officers in California would benefit from training related to the LGBTQ community, and on how to best respond to crimes involving LGBTQ individuals;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for AB 2504 (Jones-Sawyer), which would require the Commission on Peace Officer Standards and Training (POST) to develop and implement a training course regarding sexual orientation and gender identity groups by January 1, 2020.

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2504

Introduced by Assembly Member Low

February 14, 2018

An act to ~~amend Section 662 of~~ *add Section 13519.41* to the Penal Code, relating to ~~crimes: peace officer training~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 2504, as amended, Low. ~~Crimes: Peace officer training: sexual orientation and gender identity.~~

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training. Existing law requires the commission to develop and disseminate guidelines and training for all peace officers in California, as specified, who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state.

Existing law also requires the commission to adopt rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers having a primary responsibility for providing dispatching services for local law enforcement agencies, and requires that those standards apply to cities, counties, cities and counties, and districts receiving state aid, as specified. Existing law requires the commission, among other duties relating to training, to implement a course or courses of instruction for the training of law enforcement officers and law enforcement dispatchers in the handling of missing person and runaway cases.

This bill would require the commission to develop and implement, on or before January 1, 2020, a course of training regarding sexual orientation and gender identity minority groups in this state. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers by January 1, 2020, 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. The bill would require law enforcement officers, administrators, executives, and dispatchers who complete the course of basic training prior to January 1, 2020, to participate in supplementary training that includes the topics, as specified, in that course of training and to complete the supplementary training on or before December 31, 2022. By imposing additional training costs on local law enforcement agencies, the 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, 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.

~~Existing law prevents a person from being punished for an omission to perform an act, if that act has been performed by another person acting in his or her behalf and competent by law to perform it.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

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

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

- 1 SECTION 1. Section 13519.41 is added to the Penal Code,
- 2 immediately following Section 13619.4, to read:
- 3 13519.41. (a) The commission shall develop and implement,
- 4 on or before January 1, 2020, a course of training regarding sexual
- 5 orientation and gender identity minority groups in this state. In

1 *developing the training, the commission shall consult with sexual*
2 *orientation and gender identity minority members of law*
3 *enforcement and the community who have expertise in the area of*
4 *sexual orientation and gender identity, including at least one male,*
5 *one female, and one transgender person.*

6 *(b) (1) The course of training for officers and dispatchers*
7 *described in subdivision (a) shall be incorporated into the course*
8 *or courses of basic training for law enforcement officers and*
9 *dispatchers on or before January 1, 2020, and shall include, but*
10 *not be limited to, the following:*

11 *(A) The difference between sexual orientation and gender*
12 *identity and how these two aspects of identity relate to each other*
13 *and to race, culture, and religion.*

14 *(B) The terminology used to identify and describe sexual*
15 *orientation and gender identity.*

16 *(C) How to create an inclusive workplace within law*
17 *enforcement for sexual orientation and gender identity minorities.*

18 *(D) Important moments in history related to sexual orientation*
19 *and gender identity minorities and law enforcement.*

20 *(E) How law enforcement can respond effectively to domestic*
21 *violence and hate crimes involving sexual orientation and gender*
22 *identity minorities.*

23 *(2) The training described in paragraph (1) shall be interactive*
24 *using methodologies other than exclusively video media.*

25 *(c) Law enforcement officers, administrators, executives, and*
26 *dispatchers who complete basic training prior to January 1, 2020,*
27 *shall participate in supplementary training that includes all of the*
28 *topics described in this section. The supplementary training shall*
29 *be completed on or before December 31, 2022. Further training*
30 *courses to update this instruction shall be established as deemed*
31 *necessary by the commission.*

32 *SEC. 2. If the Commission on State Mandates determines that*
33 *this act contains costs mandated by the state, reimbursement to*
34 *local agencies and school districts for those costs shall be made*
35 *pursuant to Part 7 (commencing with Section 17500) of Division*
36 *4 of Title 2 of the Government Code.*

37 ~~SECTION 1. Section 662 of the Penal Code is amended to~~
38 ~~read:~~

1 662.—A person is not punishable for an omission to perform an
2 act, if that act has been performed by another person acting in his
3 or her behalf and competent by law to perform it.

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