

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: January 21, 2020

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

FROM: Sharon M. Tso  Council File No:
Chief Legislative Analyst Assignment No: 19-11-1010

SUBJECT: Police Department Legislative Proposals

CLA RECOMMENDATION: Adopt the attached Resolutions to SUPPORT and/or SPONSOR legislation in the 2019-2020 State Legislative Program, as recommended by the Police Department.

SUMMARY:

As requested by the Rules, Elections and Intergovernmental Relations Committee, the Police Department (LAPD) has prepared two proposals for inclusion in the City's 2019-2020 State Legislative Program. These proposals are as follows:

1. Support and/or sponsor legislation that would create a grant program which would provide funding to state and local law enforcement agencies for training on de-escalation techniques, crisis intervention tactics and other alternatives to the use of force, as well as training related to serving vulnerable populations; and
2. Support and/or sponsor legislation that would create a grant program which would provide funding to state and local law enforcement agencies for the modernization of law enforcement websites and other online tools in order to increase public transparency.

BACKGROUND

Training on De-Escalation and Interacting with Vulnerable Populations

The Legislature passed two bills in 2019 related to the use of force by sworn peace officers. The first, AB 392 (Weber), redefined the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer "reasonably believes, based on the totality of the circumstances, that deadly force is *necessary* to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless the person is immediately apprehended." This bill also requires that an officer's conduct prior to, and during, the use of deadly force must be considered in evaluating whether or not the use of deadly force was justified. This bill emphasizes that peace officers should use deadly force only when necessary in defense of human life, and that police departments in the state should use de-escalation techniques in order to reduce use of force incidents.

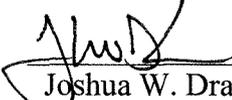
The second piece of legislation, SB 230 (Caballero), requires all law enforcement agencies in the state to, by no later than January 1, 2021, to maintain a policy that provides a minimum standard for the use of force. This law also requires law enforcement agencies to adopt regular training on the use of force and techniques related to de-escalation.

In order to ensure compliance with these new laws, the LAPD will need to implement new training in de-escalation techniques, crisis intervention and other alternatives to the use of force, as well as in interaction with vulnerable populations such as individuals with physical, mental health, developmental or intellectual disabilities that may impact their ability to understand or comply with peace officers. Training will also be required to ensure that all officers understand and are proficient with the Department's use of force policies. The LAPD recommends that the City support and or sponsor legislation which would help offset the costs of implementing these new trainings.

Modernization of Law Enforcement Websites and Online Presence

In September 2019, SB 978 (Bradford) was signed into law. This legislation requires local law enforcement agencies to conspicuously post all current standards, policies, practices, operating procedures and education and training materials that would otherwise be available through public records request on their websites. Links to these materials must be continually updated in order to ensure that only current policy and training is reflected.

The Police Department recommends the City support and or sponsor legislation which would provide funding to offset the costs associated with implementing this legislation.


Joshua W. Drake
Analyst

SMT:jwd

- Attachments:
1. Resolution to support/sponsor legislation to provide funding for de-escalation training
 2. Resolution to support/sponsor legislation to provide funding for law enforcement website updates and modernization

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, in 2019, two bills were signed into law governing the use of force by sworn peace officers; and

WHEREAS, AB 392 (Weber) redefined the circumstances under which a homicide by a peace officer is deemed justifiable only when necessary to defend human life, and emphasized the need for de-escalation techniques in an effort to reduce use of force incidents; and

WHEREAS, AB 392 also ensures that an officer's actions prior to the use of force will be examined, in an effort to ensure that all reasonable steps were taken to de-escalate a situation or otherwise reduce the chances that force would have to be used in an encounter with a peace officer; and

WHEREAS, SB 230 (Caballero) requires law enforcement agencies to maintain a minimum use of force policy and require regular and periodic training in these policies for all law enforcement officers in the state; and

WHEREAS, these new laws represent significant progress in efforts to reduce the number of use of force incidents by peace officers in California, but will require significant resources to fully implement; and

WHEREAS, the City should support or sponsor legislation which would provide funding to law enforcement agencies in the state to fully implement these bills and provide adequate training to all law enforcement officers in California on de-escalation and strategies to reduce the chances of a use of force by a peace officer;

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 2019 - 2020 State Legislative Program SUPPORT for or SPONSORSHIP of legislation which would create a state grant program to provide funding to state and local law enforcement agencies for training on de-escalation techniques, crisis intervention tactics and other alternatives to the use of force, as well as training related to serving vulnerable populations.

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, in 2019, the governor signed SB 978 (Bradford) into law; and

WHEREAS, SB 978 requires law enforcement agencies to conspicuously post all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public through a California Public Records Act request on their websites; and

WHEREAS, while SB 978 will increase transparency and public accountability, its implementation will require significant resources be made available to law enforcement agencies to update old websites and digitize documents; and

WHEREAS, smaller law enforcement agencies may be hard pressed to identify funding for these updates, and larger ones such as the Los Angeles Police Department, may be required to move resources from other priorities to website modernization; and

WHEREAS, the City should support or sponsor legislation which would provide funding to law enforcement agencies in the state to fully implement the requirements of SB 978, in order to minimize any potential impacts to public safety while increasing public transparency;

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 2019 - 2020 State Legislative Program SUPPORT for or SPONSORSHIP of legislation which would create a state grant program to provide funding for the modernization of local law enforcement websites and other online tools in order to increase public transparency.