



An engagement initiative on policing in Modesto

How might we understand and assess **Policies & Procedures**

that support safety, fairness and equity throughout the department and community

Presented By:

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Preface

This presentation was distilled from:

- **150** Modesto Police Dept. Polices
- **92** Modesto Police Dept. Procedures
- Case Law
- California Government Code
- California Penal Code
- California Senate Bills
- California Assembly Bills



Goals

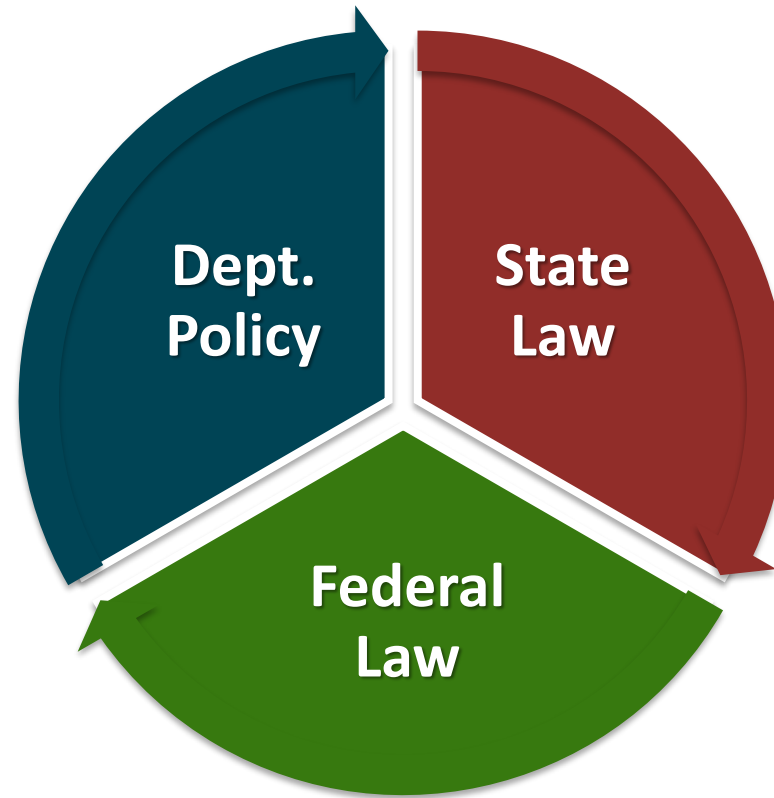
- Identify a selection of relevant materials
- Generate dialogue/questions
- Be a catalyst for future discussions and inquiry



What We Plan to Discuss Today

- Audits
- Policy 300: Use of Force
- Policy 314: Pursuits
- Policy 310: Officer-Involved Shootings
- Policy 340: Conduct
- Policy 402: Bias-Based Policing
- Policy 418: Mental Illness Commitments
- Policy 470: Crisis Intervention Incidents
- Policy 428: Immigration Violations
- Policy 1020: Personnel Complaints
- AB74: Audio and Video recording
- Pertinent Senate Bills (SB1421, SB16, SB2)

3 Layers of Guidance, Working Together



Audits: Office of the Chief of Police

Annually, the Modesto Police Department's Internal Affairs Unit conducts a series of audits on behalf of the Chief of Police. These audits include reviews of:

- Use of Force
- Biased Based Policing
- Pursuits
- Internal Affairs Investigations

This data is reviewed by department administration to identify any concerning trends or statistical variances warranting further analysis.

The Commission on Peace Officer Standards and Training (POST)

- POST was established in 1959 by the State Legislature.
- Sets minimum selection and training standards for California Law Enforcement
- POST awards professional certificates to recognize peace officer achievement and proficiency.





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Crisis Intervention & Mental Health

Policy 418: Mental Illness Commitments

- This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).
- 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled
- Per policy, officers should also consider:
 - Available information that might assist in determining the cause and nature of the person's action or stated intentions.
 - Community or neighborhood mediation services.
 - Conflict resolution and de-escalation techniques.
 - Community or other resources available to assist in dealing with mental health issues.

Policy 418: Mental Illness Commitments

From Policy section 418.4:

- **Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.**

Policy 470: Crisis Intervention Incidents

- **Provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis.**
- **Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Policy 470: Crisis Intervention Incidents

An officer responding to a call involving a person in crisis should:

- Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- Attempt to determine if weapons are present or available.

Policy 470: Crisis Intervention Incidents

- Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- Secure the scene and clear the immediate area as necessary.
- Employ tactics to preserve the safety of all participants.
- Determine the nature of any crime.
- Request a supervisor, as warranted.
- Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- If circumstances reasonably permit, consider and employ alternatives to force.

Policy 470: Crisis Intervention Incidents

470.6: DE-ESCALATION

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Crisis Intervention Incidents - Training

Course	Reference	Mandate	Training received at academy	MPD Training Plan
Tactical Communications	POST Section 1005	2 hours every 2 years	7.5 hours of Handling Disputes	2 hours every 2 years
Crisis Intervention Training	13515 PC, 13515.26 PC, 13515.27 PC, 13515. 28 PC	15 hours required during Basic Academy, 8 hours additional for FTOs, 3 hours continuing education for sergeants and below	6.5 hours Critical Incident Training 11.5 hours of People with Disabilities Training (18hrs. Total)	Every officer attends at least 8 hours CIT classroom Training, in addition to continual briefing training updates (2020)

In addition, approximately 20 sworn MPD personnel have attended one or more of the following:

- POST 40-hour **Crisis Negotiation Course**
- POST 24-hour **Advanced Crisis Negotiation Course**

Crisis Intervention Incidents - Training

- Integrated ongoing scenario-based training focusing on de-escalation (firearms, defensive tactics, active listening, first-aid, etc.).
- Scenarios not simply designed to create an outcome where force is required.
- Officers must use verbal techniques and de-escalation tactics to create a successful outcome when possible/safe.

Policy 470: Crisis Intervention Incidents

- MPD utilizes virtual reality training equipment from Axon that allows them to experience crisis-type incidents from the view of the affected person, including altered sensory perception.



Empathy

Provide officers with insights to help them better understand the communities they serve. Library includes over 10 modules and counting.

MPD's Innovative Outreach Program



CHAT

Community Health and Assistance Team

Community Health & Assistance Team (CHAT)

- Alternative response model designed to divert calls away from police to outreach specialists.
- Currently consists of 4 full-time outreach specialists working in close collaboration with Stan. County social services, non-profit organizations, and MPD's HEART team.





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MPD Policy 402: Bias-Based Policing

This policy provides guidance to department members that affirms the Modesto Police Department's commitment to policing that is fair and objective.

Biased-Based Policing

- **Definition:**

- An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

- **Bias-based policing is strictly prohibited.**

- **402.4 Member Responsibilities**

- Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Biased-Based Policing

Annual
Administrative
Audit

Training

California
Department of
Justice Reporting

Biased-Based Policing

- Academy participants receive **17 hours of cultural diversity training** prior to becoming a police officer.
- They also receive **30 hours of Principled Policing / Ethics**.
- City of Modesto New Employee Orientation
 - Provided policies on harassment and cultural diversity
- City of Modesto Harassment and Discrimination Awareness training every two years (AB1825).
- Field Training Program – Cultural Diversity and Awareness segments for police and community service officers in training.

Biased-Based Policing

- Each sworn member of this department who received initial bias-based policing training will thereafter be **required to complete an approved refresher course every five years**, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).
- Sworn department members also receive classroom training **every two years** on Principled Policing / Ethics (POST requirement).
- Training bulletins disseminated annually to department staff.

Biased-Based Policing

- **Reporting to California Department of Justice:**

- 402.8: The Internal Affairs Unit Sergeant and the Police Civilian Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

Racial and Identity Profiling Advisory Board (RIPA)

- Established by AB 953
- Amends California Penal Code § 13012 and § 13519.4
- Effective January 1, 2022 MPD must document the officer's perceived ethnicity and gender of all contacted subjects whether arrested or not. This data must be supplied to California Department of Justice for review.
- Note: RIPA implementation could be postponed due to lack of readiness by DOJ to accept MPD data and pending court litigation brought forth by a contingency of small California cities (not Modesto).

Biased-Based Policing

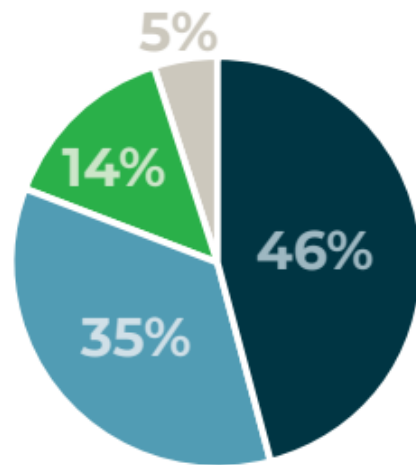
Race	% Population	
	2020 Modesto Police Dept. Sworn Personnel Ethnicity Data (196 Officers)	2019 U.S. Census Bureau (Population Estimates) 215,196
White	63%	44.2%
Hispanic	19%	40.2%
Asian/Other	5%	7.1%
Black	4%	4.7%
Not Specified	6%	


Biased-Based Policing

Arrests – 2020

ADULTS

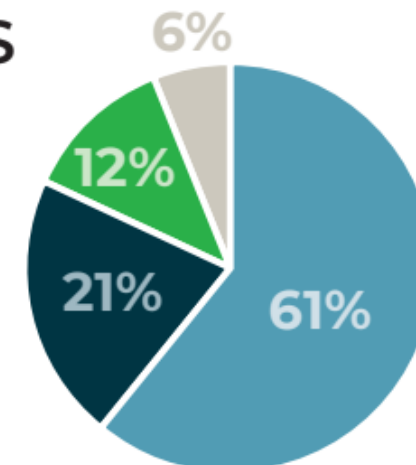
6,000
4,632
701
1758





9%
increase
from
2019

JUVENILES

84
236
22
43




1%
decreas
from
2019



White



Hispanic



Black



Asian/Other

Biased-Based Policing

Race of All Suspects Based on Victim Identification





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MPD Policy 428: Immigration Violations

It is the policy of the Modesto Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

Immigration Violations

- **Immigration Inquiries Prohibited**

- Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

- **Detentions & Arrests**

- An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).
- If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement **due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense** (Government Code § 7284.6).

- **U Nonimmigrant Status (U visa)**

- **T Nonimmigrant Status (T visa)**



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Use of Force

Laws, Policies, and Procedures



Use of Force

- **Definitions:**

- **Deadly Force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).
- **Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person.
- **Serious Bodily Injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).
- **Totality of the circumstances** - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Use of Force (cont.)

- **Other Highlights of California Penal Code § 835a:**

- **835a(b)**- Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- **835a(e)(2)** - A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.
- **835a(4)**- That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
- **835a PC and 196 PC were amended by AB 392 to eliminate the “fleeing felon” rule in August 2019.**

MPD Policy 300: Use of Force

- **Highlights of Policy 300:**

- **300.2.1 Duty to Intercede** - Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force and promptly report these observations to a supervisor (Government Code § 7286(b)).
- **300.2.3 Duty to Report Excessive Force** - Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).
- **Alternative Tactics – De-escalation**
- **Factors Used to Determine Reasonableness of Force**
- **Restrictions: Carotid & Choke Hold Tactics**
- **Supervisor Notification**

Use of Force: Supervisor Review Process

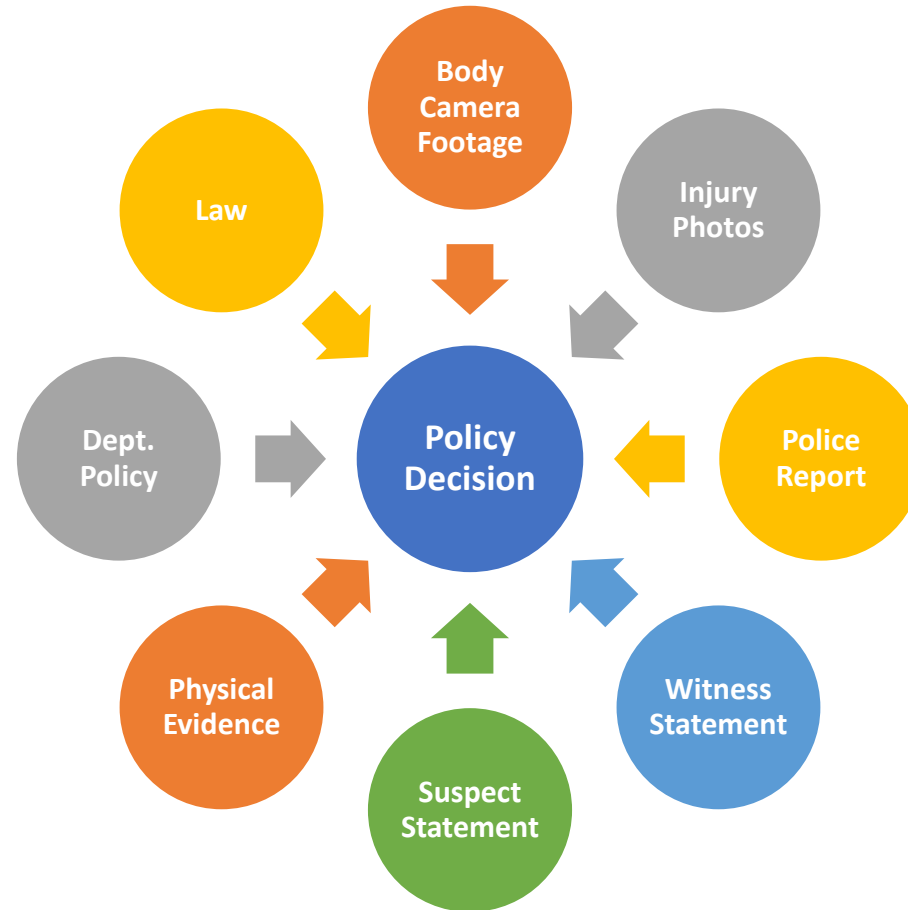
In 2020, MPD had a total of **59,512 enforcement contacts**.

There were **244** use of force incidents, or **0.4%** of the time.

Each incident received **3** layers of review.



Use of Force: Supervisor Review Process



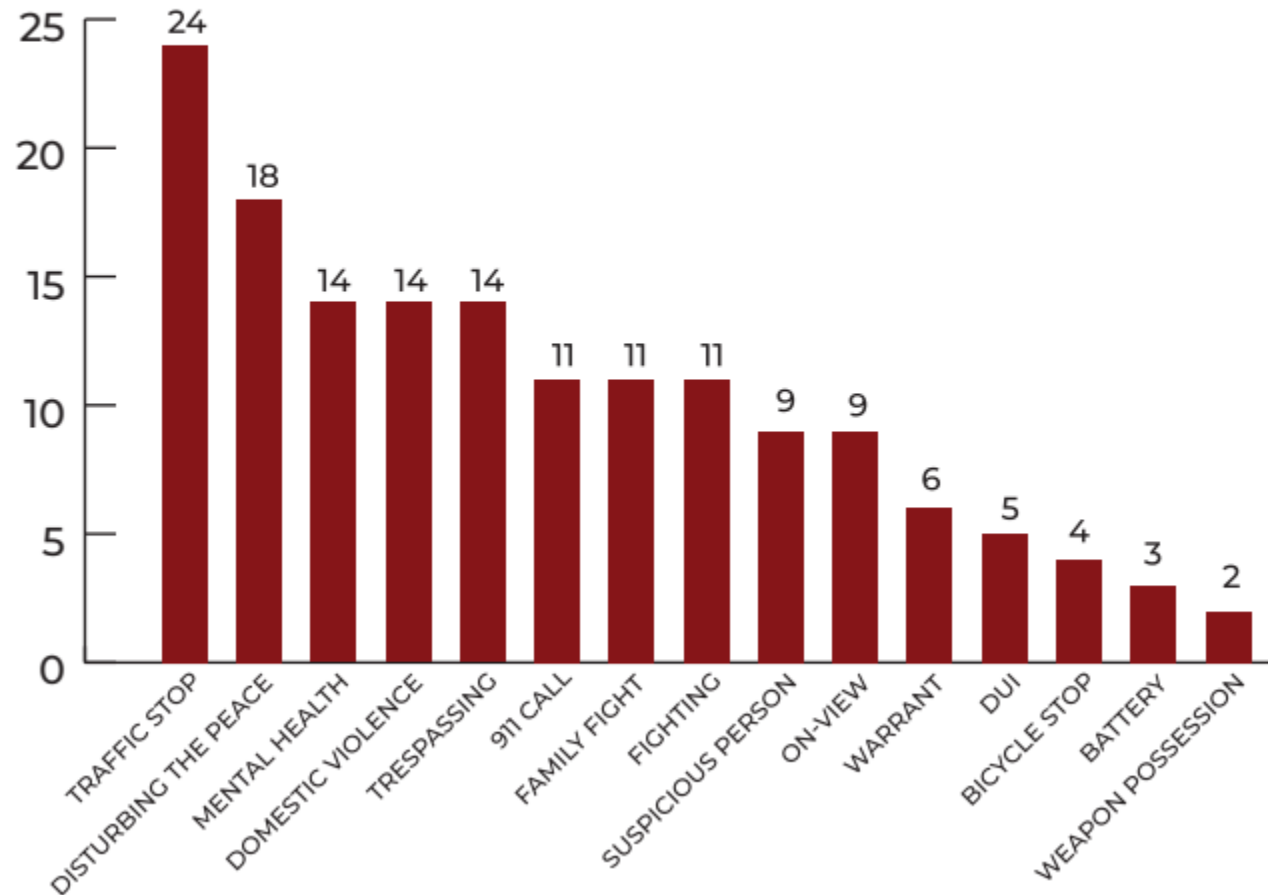
Use of Force: Threshold Alerts

- All use of force incidents are captured in a record management system
- 6 uses of force within a rolling 12 month period generate an automated alert
 - Triggers another 3-layer cumulative review of the associated incidents for patterns of concern
 - Training issues
 - Policy violations
 - Race
 - Gender
 - Tactics
 - De-escalation
 - Etc.



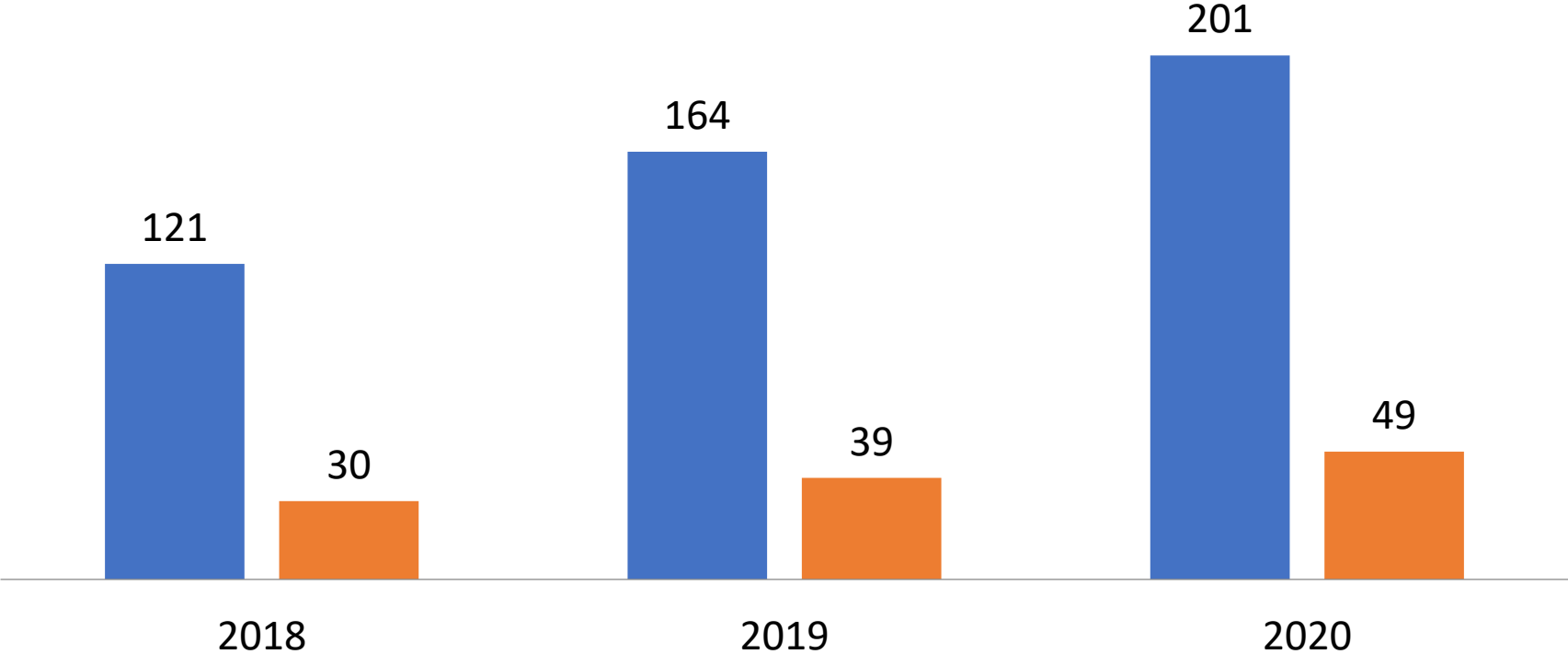
2020 Calls For Service Where Force Was Used

The Modesto Police Department tracks every use of force by an officer. Each incident is traced back to the event that originated the contact and categorized accordingly.

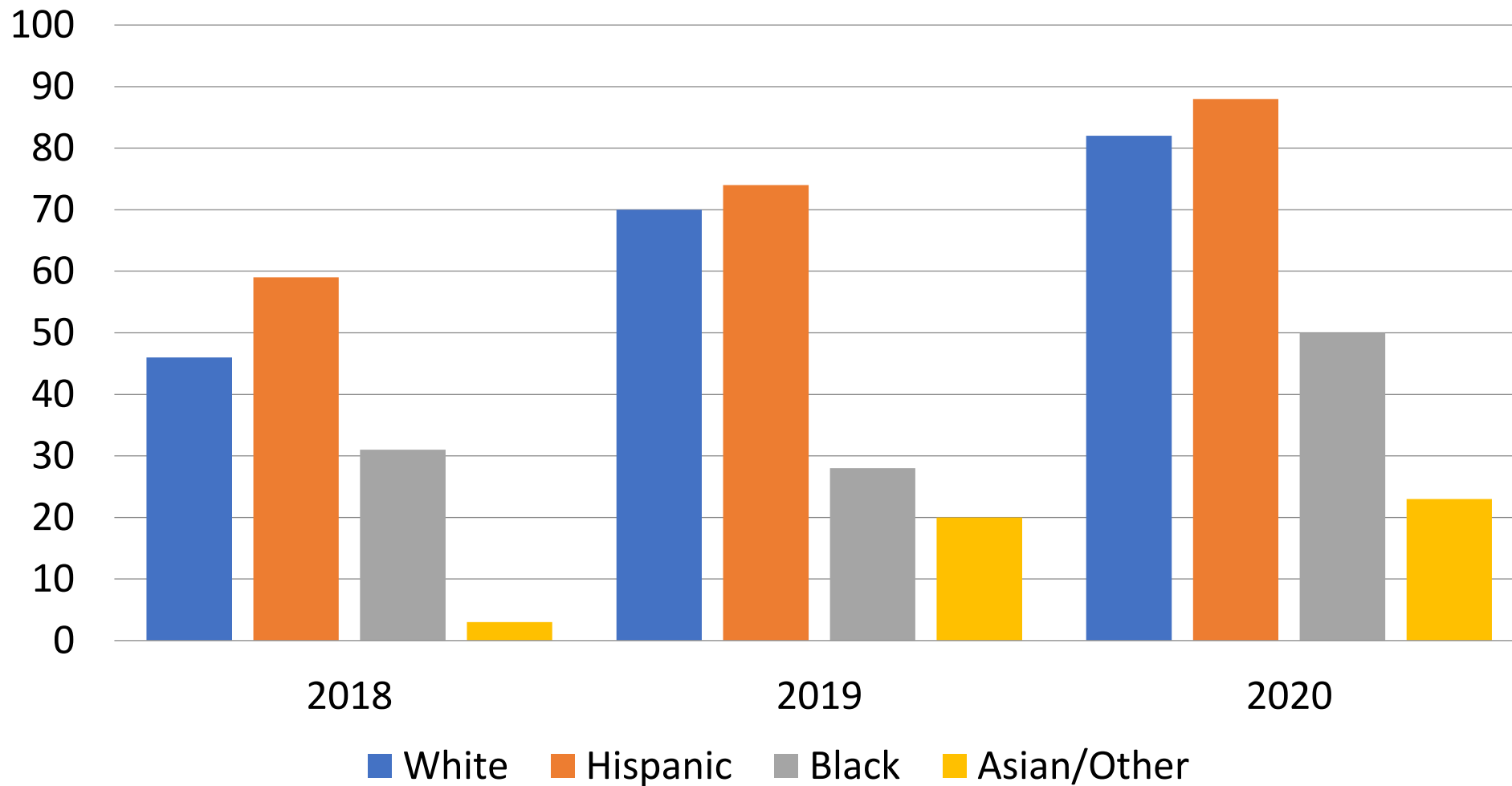


Gender Comparison

Male Female



Race Comparison





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MPD Policy 314: Pursuits

Laws, Policies, and Procedures

Pursuits

- **Defined:** A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Pursuits

When to initiate:

- Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- Pursuing officers familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- Vehicle speeds.
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- Availability of other resources such as helicopter assistance.
- The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

When to terminate:

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

- In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:
- Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- Pursued vehicle's location is no longer definitely known.
- Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- Pursuits of violators for infractions and misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- There are hazards to uninvolved bystanders or motorists.
- If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- Pursuit is terminated by a supervisor.

Pursuits

- Policy 314 also provides guidance on additional tactics and resources designed to mitigate the dangers of a pursuit.
- “PIT” Manuever / Spike Strips / StarChase GPS Launcher / Air Support



Pursuits



- In 2020, about **51% of pursuits were aborted** by officers or supervisors.
- Approximately **82% of pursuits were two miles or less**.



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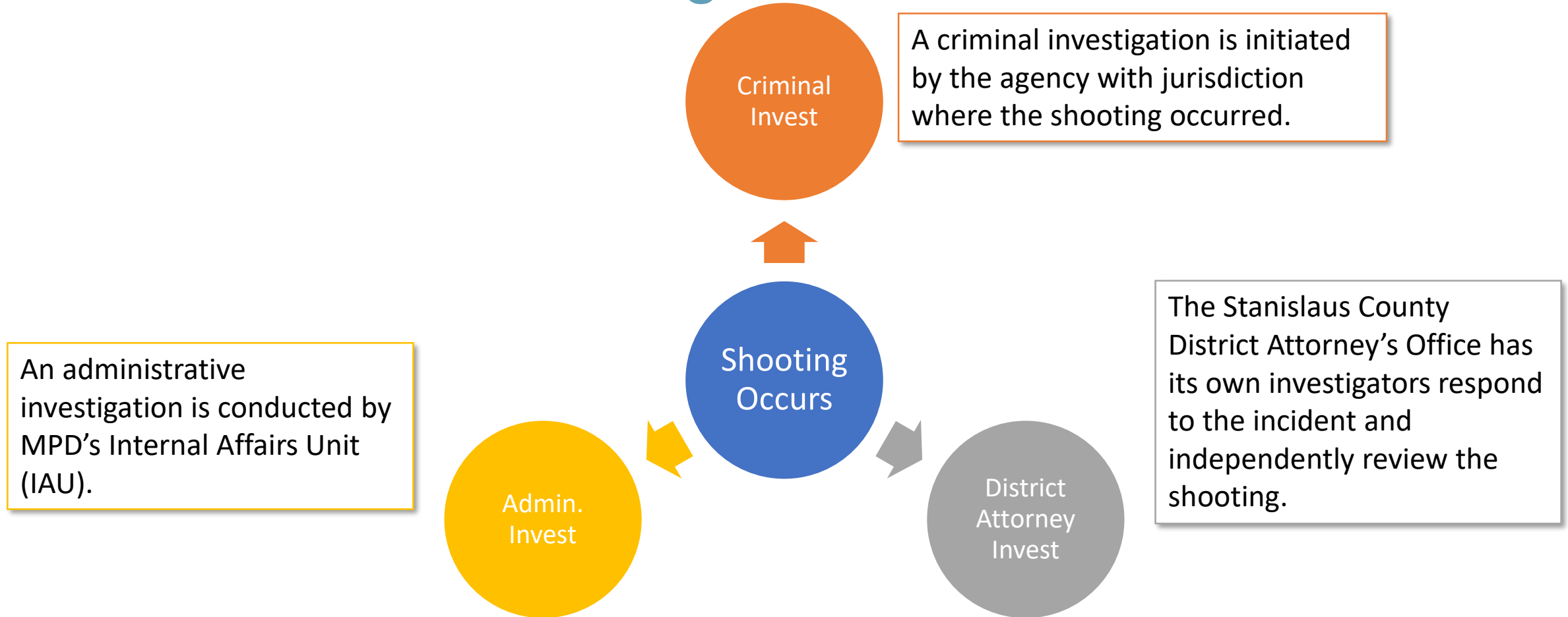
Officer-Involved Shootings

Laws, Policies, and Procedures

Officer-Involved Shootings

- **Modesto Police Department Policy 310: Officer-Involved Shootings and Deaths**
 - “The policy of the Modesto Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner. This department conforms to the Officer Involved Shooting protocol for investigating officer-involved shootings.”
 - Provides specific guidance on notifications and investigatory responsibilities and processes.

Officer-Involved Shootings



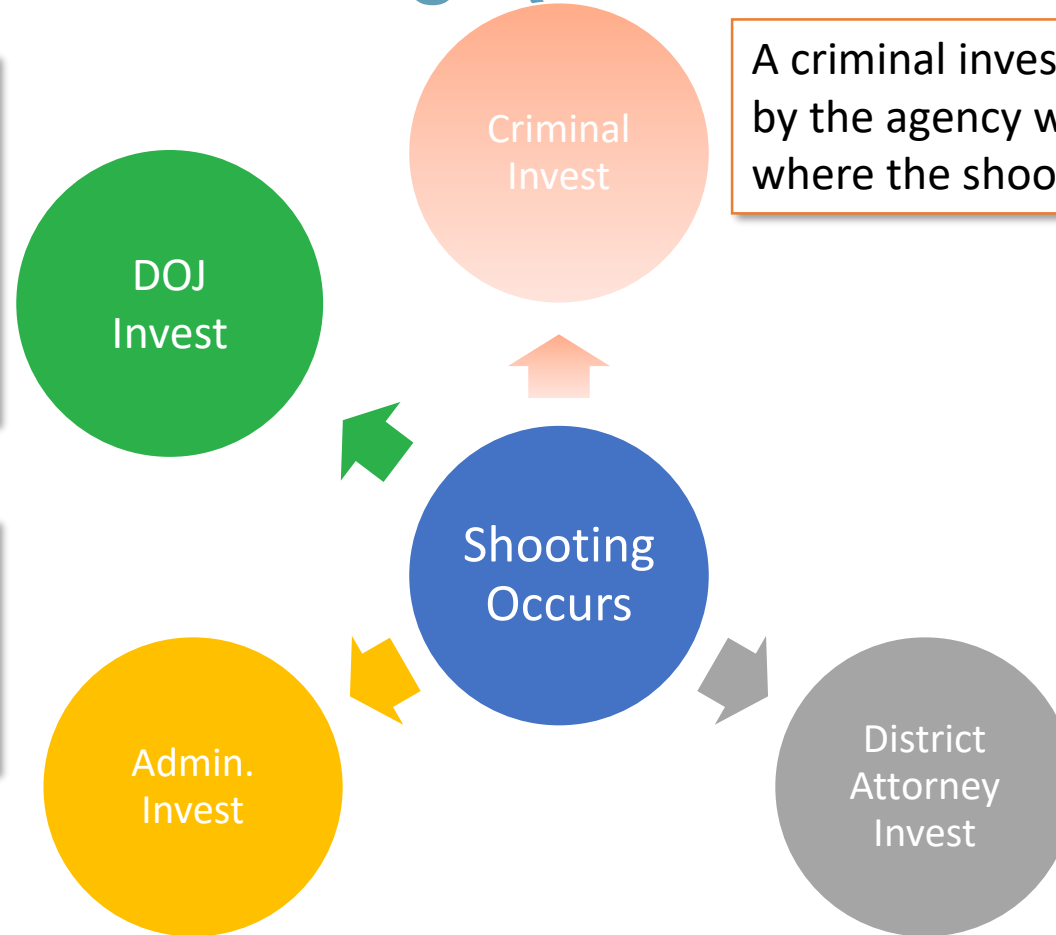
Officer-Involved Shootings

- **California Government Code § 12525.3(a)**
 - (1) **“Deadly weapon”** includes, but it not limited to, any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.
 - (2) **“Unarmed civilian”** includes anyone who is not in possession of a deadly weapon.
- **AB 1506 requires the Department of Justice to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian (as defined above)**

Officer-Involved Shootings (Unarmed Civilian)

The California Department of Justice (DOJ) is notified in any shooting resulting in the death of an unarmed civilian as **lead investigator**. (Government Code § 12525.3).

An administrative investigation is conducted by MPD's Internal Affairs Unit (IAU).



A criminal investigation is initiated by the agency with jurisdiction where the shooting occurred.

The Stanislaus County District Attorney's Office has its own investigators respond to the incident and independently review the shooting.

Post-Incident Reintegration

- **MPD has recently adopted a post-incident reintegration program to allow officers to re-acclimate to the work environment after a critical incident.**
- **This program provides tailored, paced mental, emotional, and physical support to assist officers in confidently returning to duty.**
- **The program may include, but is not limited to:**
 - **Group-led debriefs**
 - **Scenario-based training**
 - **Peer support check-ins & activities**



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MPD Policy 340: Conduct

340.2 The continued employment or appointment of every member of the Modesto Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

Policy 340: Conduct

- **General Standards:**

- Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.
- Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.
- Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

Causes for Discipline

- Laws, Rules, and Orders
- Ethics
- Discrimination, Oppression, or Favoritism
- Relationships
- Attendance
- Unauthorized Access, Disclosure, or Use
- Efficiency
- Performance
- Conduct
- Safety
- Intoxicants



An engagement initiative on policing in Modesto

MPD Policy 1020: Personnel Complaints

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Modesto Police Department.

Personnel Complaints

- The Modesto Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.
- The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.
- It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

Personnel Complaints – Source of Complaints

Individuals

- Writing
- Email
- In Person
- Phone

Department Member

- Required to notify supervisor immediately on becoming aware of misconduct

Supervisor

- Observed Conduct
- Receipt of any source alleging misconduct that could result in discipline

Anonymous & 3rd Party Complaints

- To the extent that sufficient information is provided

Tort claims and lawsuits

- May generate a personnel complaint

Personnel Complaints – Classifications

Informal

- Complaining party is satisfied that appropriate action has been taken by supervisor
- Need not be documented on a personnel complaint form

Formal

- Complaining party requests further investigation or which a department supervisor determines that further action is warranted
- Investigated by a department supervisor or IAU

Incomplete

- A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation
- May still be investigated further depending on seriousness of complaint

Personnel Complaints – Who Will Investigate?

Internal Affairs Unit

Commission of a crime

Excessive use of force

Use of illegal drugs

Any act of serious nature

Dishonesty

Sexual harassment

Discrimination

Cases referred by Chief of Police

Cases referred by Assistant Chief or Division Commander

Supervisor

Discourteous or rudeness

Improper procedure

Minor infractions of departmental regulations

Minor misconduct

Differences of opinion between citizen and employee

Cases referred by the office of the Chief of Police

Cases referred by the Assistant Chief or Division Commander

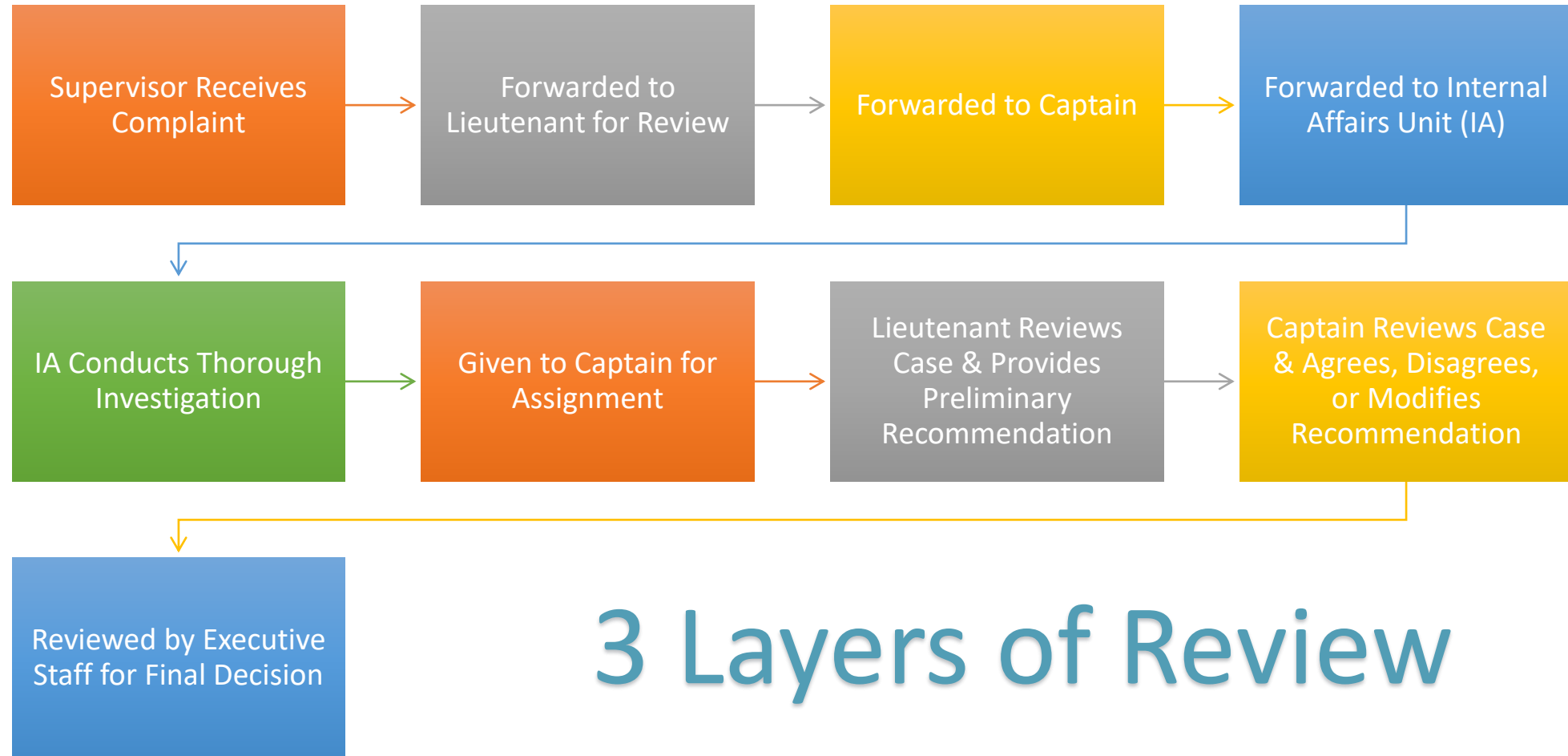
Personnel Complaints – Formal Administrative Investigations

- Whether conducted by a supervisor or a member of the IAU, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303)
- POBR (pronounced “po-bar”) was signed into law under AB 301 in 1977.
- Designed for due process.

Personnel Complaints – Dispositions

- **Unfounded** - When the investigation discloses that the alleged **acts did not occur or did not involve department members**. Complaints that are determined to be frivolous will fall within the classification of unfounded.
- **Exonerated** - When the investigation discloses that the alleged **act occurred but that the act was justified, lawful and/or proper**.
- **Not sustained** - When the investigation discloses that there is **insufficient evidence to sustain the complaint or fully exonerate the member**.
- **Sustained** - When the investigation discloses sufficient evidence to establish that **the act occurred and that it constituted misconduct**.
- **Other** - The investigation revealed the alleged act was not misconduct or the **employee was a witness only, or other disposition by the Chief of Police**.

Personnel Complaints – Workflow

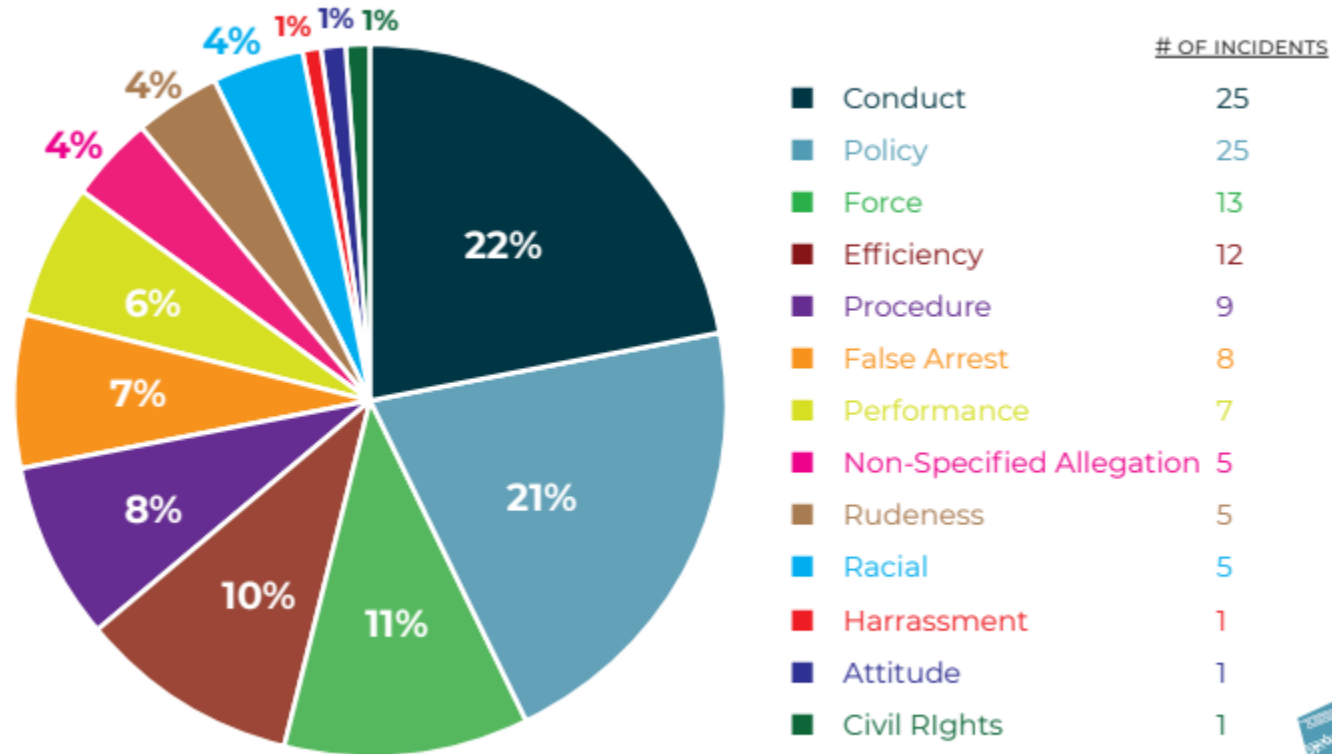


3 Layers of Review

Internal Affairs Allegations – 2020

(59,512 Enforcement Contacts / 61 Total Investigations / 119 Allegations)

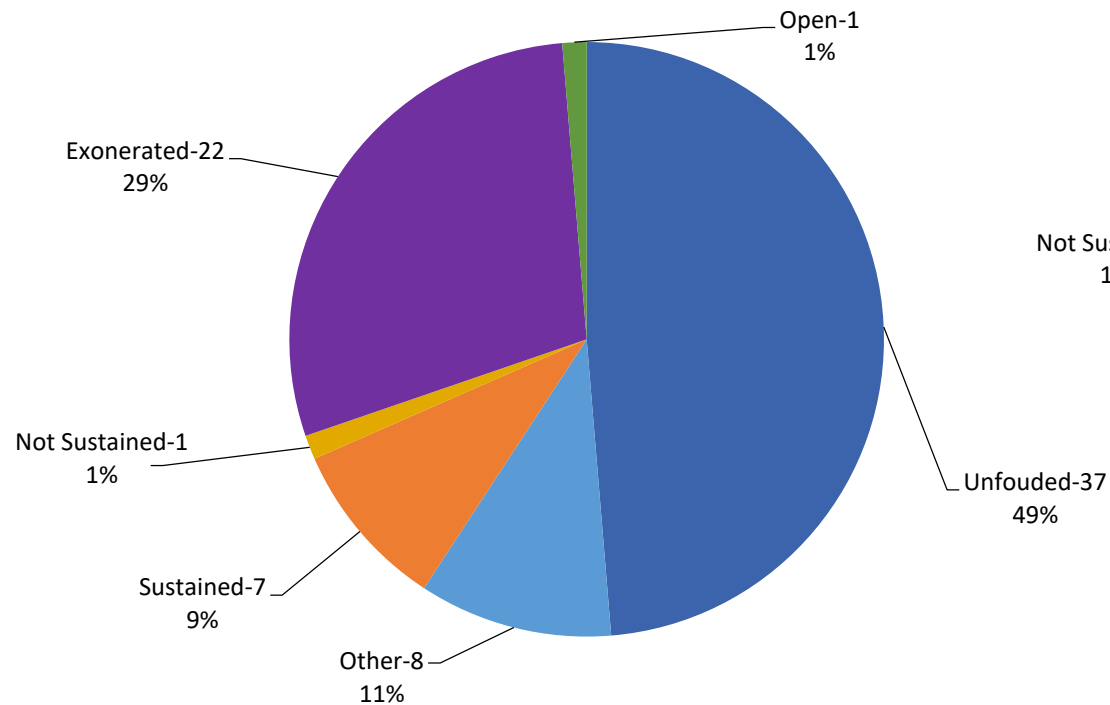
Internal Affairs Allegations – 2020



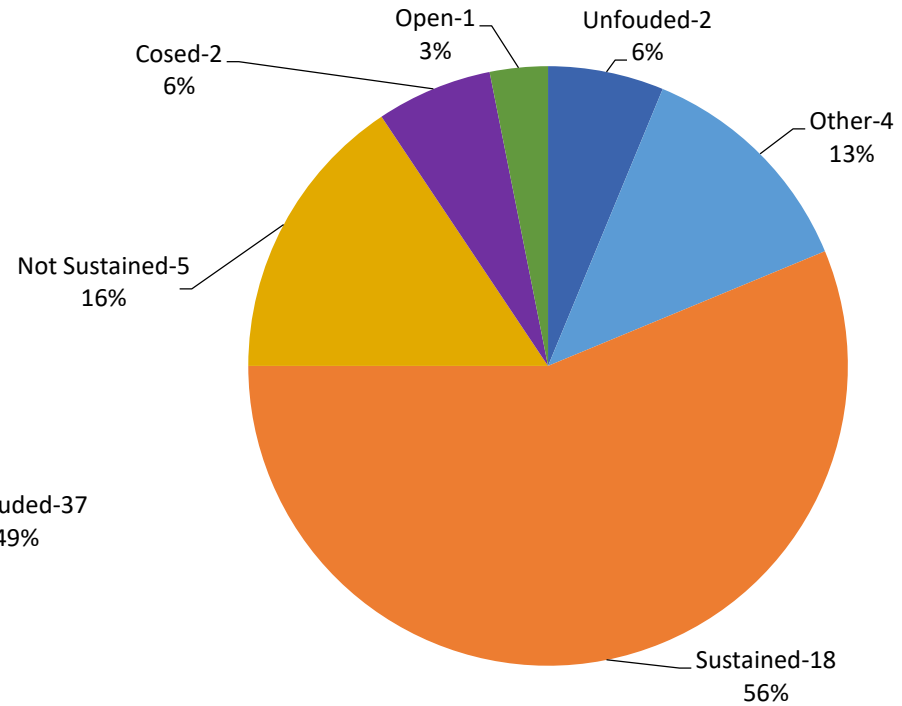
Internal Affairs Allegations – 2020

(59,512 Enforcement Contacts / 41 Citizen Complaints, or 0.07%)

Disposition of Citizen Allegations - 2020



Disposition of Administration Allegations - 2020





An engagement initiative on policing in Modesto

AB 748: Video & Audio Recordings

Peace officers: video and audio recordings: disclosure

AB 748: Video & Audio Recordings

- Modesto PD first adopted body-worn cameras in **2012**. It was the first agency in Stanislaus County to use the technology.
- MPD recently installed cameras inside all patrol vehicles that capture views out the front window and also inside the of car.

The Modesto Bee

NEWS

Modesto police out in front on body cameras

By Erin Tracy

etracy@modbee.com



UPDATED JULY 04, 2015 5:33 PM



Modesto police Officer Jeff Hopkins, wearing a body camera on his motorcycle helmet, writes a speeding citation on Ninth Street in Modesto last month. ANDY ALFARO AALFARO@MODBEE.COM

AB 748: Video & Audio Recordings



AB 748: Video & Audio Recordings



- Approved by Governor: September 30, 2018
- Amended Section 6254 of the California Government Code
- Requires that video of “critical incidents” be released within 45 days, absent certain exceptions
- “Critical Incident” includes:
 - An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
 - An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.



An engagement initiative on policing in Modesto

Senate Bills

SB-1421, SB-16, SB-2

SB-1421 Peace offices: release of records

- Amends Sections 832.7 and 832.8 of the California Penal Code
- Makes certain peace officer or custodial officer personnel records and records relating to specific incidents, complaints, and investigations available for public inspection.

SB-1421 Peace officers: release of records

- An incident involving the **discharge of a firearm** at a person by a peace officer or custodial officer.
- An incident in which the **use of force** by a peace officer or custodial officer against a person **resulted in death, or in great bodily injury**.
- Any record relating to an incident in which a **sustained finding** was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in **sexual assault involving a member of the public**.
- Any record relating to an incident in which a **sustained finding** was made ... of **dishonesty** ... directly relating to the **reporting, investigation, or prosecution of a crime**, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of **perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence**.

SB-16 Peace officers: release of records

- Also makes certain peace officer records available **(with a sustained finding)**
- Excessive or unreasonable force
- Unlawful arrests or unlawful searches
- Prejudice or discrimination on the basis of specified protected classes
- Records related to an investigation where an officer resigned before an investigation is completed are also subject to release

SB-2 Peace officers: certification: civil rights

- Creates a process of police officer de-certification,
- Revises disqualifying criteria for certification,
- Requires all law enforcement agencies within the State to investigate and report all claims, allegations, and findings of serious misconduct regardless of the officer's employment status,
- Requires law enforcement agencies to report all complaints, claims, allegations, and findings of serious misconduct to the Commission on Peace Officer Standards and Training; and
- Revises and removes certain immunity provisions for police officers and public agencies employing them in lawsuits brought under the State's Tom Bane Civil Rights Act.



An engagement initiative on policing in Modesto

Thank You

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