

TO: HONORABLE CITY COUNCIL

FROM: ED SHIKADA, CITY MANAGER

AGENDA DATE: JUNE 22, 2021

SUBJECT: ITEM NUMBER 7 – LEGISLATION

Subsequent to the printing of the report, staff received additional information about some legislative bills related to the City Council’s police reform legislative guideline. All of the bills relate to the City’s Race and Equity efforts and City Council Social Justice Priority. Staff is sharing this information for City Council consideration of the recommendations within in addition to the recommendations in the previously shared staff report ([CMR #12344](#)).

Police Reform State Bills:

Senate Bill 2 from Senator Bradford. This bill relates to police officer decertification. This bill grants new powers to the Commission on Peace Officer Standards and Training (POST) to investigate and determine peace officer fitness and to decertify officers who engage in “serious misconduct”; and makes changes to the Bane Civil Rights Act to limit immunity. This bill creates a process for decertification by creating the Peace Officer Standards Accountability Division (Division) within POST. This Division has the responsibility of reviewing grounds for decertification, conducting investigations into serious misconduct, presenting findings in decertification procedures, and seeking revocation of certification of peace officers. The bill also creates a Peace Officer Standards Accountability Advisory Board (Advisory Board). The Advisory Board is tasked with hearing evidence of misconduct and making determinations as to the certification or decertification of peace officers.

Status: The most recent bill language and analysis are in [Exhibit A](#). The bill will be heard in the Assembly Public Safety Committee though no hearing date is set yet. The bill has already passed out of the Senate.

For Council Consideration: If the City Council would like to weigh in on this bill, the City could take a “Support with Amendment” position which will allow the City to show support for accountability while also sharing concern that the proposed changes to peace officer immunities could impact recruitment and retention of law enforcement personnel and have significant impact on local government operations and finances.

Senate Bill 16 from Senator Skinner. This bill expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA); and modifies existing provisions regarding the release of records subject to disclosure. It recommends that the following records be subject to the CPRA: incidents involving unreasonable or excessive uses of force, sustained findings that an officer failed to intervene against another officer using unreasonable or excessive force, sustained findings of unlawful arrests or searches, and sustained findings of officers engaged in conduct involving prejudice or discrimination on the basis of protected classes.

Status: The most recent bill language and analysis are in [Exhibit A](#). The bill is in Assembly Rules Committee and waiting to be assigned and scheduled (it will likely be heard in the Assembly Public Safety Committee). The bill has already passed out of the Senate.

For Council Consideration: If the City Council would like to weigh in on this bill, the City could take a "Support" position and note that this bill could have a resource impact due to an increase in records requests. Additional resources to support this bill are not proposed this legislative or budget session.

Assembly Bill 26 from Assembly Member Holden. This bill seeks to require use of force policies for law enforcement agencies to include the requirement that officers "immediately" report potential excessive force, and further describes the requirement to "intercede" if another officer uses excessive force and a few other items.

Status: The most recent bill language and analysis are in [Exhibit A](#). The bill is in the Senate and will be heard in the Senate Public Safety Committee though no hearing date is set yet. The bill has already passed out of the Assembly. Last year this bill was introduced and held in the Senate Appropriations Committee.

For Council Consideration: If the City Council would like to weigh in on this bill, the City could take a "Support" position and note that this bill would formalize something at the State level that is already in the Palo Alto Police Department policy. This bill is related to the work that the Palo Alto Police Department, in partnership with the Human Relations Commission and the Palo Alto Peace Officers Association did last year with updating the City's Use of Force policy.

Assembly Bill 718 from Assembly Member Cunningham. This bill would require that a law enforcement agency that initiates or conducts an investigation into an allegation of misconduct by a peace officer to complete its investigation and make a finding regardless of whether the officer voluntarily separates from the agency before the investigation is completed.

Status: The most recent bill language and analysis are in [Exhibit A](#). The bill is in the Senate and has been heard in the Senate Public Safety Committee. The bill passed out of the Assembly with unanimous support.

For Council Consideration: If the City Council would like to weigh in on this bill, the City could take a "Support" position and note that this bill would formalize something that the Palo Alto Police Department has a practice of doing already. This is a rare occurrence for the Palo Alto Police Department, but when it comes up, this is the practice.

DocuSigned by:

E2DCA19CC8D4E9

Ed Shikada
City Manager