



# LEGAL DEFENSE TRUST



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## LEARNING POINTS

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### LEGISLATIVE UPDATE New Laws Affecting Peace Officers

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**Assembly Bill No. 1299** - adds section 13510.6 to the Penal Code, relating to the employment of peace officers.

Any agency that employs peace officers is required to provide a notification to the Commission of Peace Officer Standards and Training (POST) when an officer is terminated. Or, if an officer leaves the agency with a *pending* complaint, charge, or investigation of a serious nature, the bill requires the agency to *complete* the investigation and *notify* POST of its findings. POST is then required to include any subsequent finding that a complaint of a serious matter was sustained in the former officer's profile, and make that information available to any law enforcement agency that is conducting pre-employment background investigation of the former officer. The bill allows the former officer to request a court review and determination if the sustained finding should have been unfounded or not sustained. If changed to unfounded or not sustained, POST would be required to remove any reference to the matter from the former officer's profile.

**Assembly Bill No. 846** - adds section 1031.3 to the Government Code and section 135612 to the Penal Code, relating to the public employment of peace officers.

Current law requires that peace officers be evaluated by a physician or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill would require that evaluation to *also include* a finding that the individual is free from bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

POST is required to study, review, and update regulations and screening materials to identify explicit and implicit bias related to emotional and mental condition evaluations. The bill requires every agency that employs peace officers to review the job descriptions used in the recruitment and hiring of peace officers and to make changes that place more emphasis on *community interaction and collaborative problem-solving*.

**Assembly Bill No. 1506** - adds section 12525.3 to the Government Code, relating to the Department of Justice and police use of force.

Existing law requires law enforcement agencies to report to the DOJ any incident in which an officer is involved in a shooting or use of force that results in death or serious bodily injury. With this bill, the Attorney General is to investigate incidents of an officer-involved shooting resulting in the death of an *unarmed* civilian. The AG would then be required to prepare a written report and post the report on a public website. If criminal charges are found to be warranted, the AG would then initiate and prosecute a criminal action against the officer.

**Stay Safe and Healthy!**

*Robert Rabe is Stone Busailah, LLP's writs, and appeals specialist. His 41 years practicing law include 16 years as a Barrister, Supreme Court of England and Wales, practicing in London, England.*