

ASSEMBLY BILL

No. 651

Introduced by Assembly Member Cooper

February 24, 2015

An act to add Sections 3253.5 and 3303.5 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 651, as introduced, Cooper. Public safety officers and firefighters: investigations and interviews.

The Firefighters Procedural Bill of Rights Act and the Public Safety Officers Procedural Bill of Rights Act grant certain rights to firefighters and public safety officers, as defined. The acts require that, when a firefighter or public safety officer is under investigation and is interrogated by his or her commanding officer, or another member of the employing agency, on matters that could lead to punitive action, the interrogation be conducted under certain conditions. Upon the filing of a formal written statement of charges or when an interrogation focuses on matters that, in the case of a firefighter, may result in punitive action or, in the case of a public safety officer, are likely to result in punitive action, the acts grant the firefighter or public safety officer a right to be represented by a person of his or her choice, except as specified, who may be present at all times during the interrogation. The acts prohibit requiring the representative to make certain disclosures or subjecting the representative to punitive action for refusing to make those disclosures.

This bill would authorize an employing public agency to grant the right of representation, described above, to a firefighter or public safety officer if an interview regarding the investigation of another firefighter

or public safety officer focuses on matters that may, or are likely to, result in punitive action against the firefighter or officer who is not formally under investigation.

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

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

1 SECTION 1. Section 3253.5 is added to the Government Code,
2 to read:

3 3253.5. If an investigation to which Section 3253 applies
4 focuses on matters that may result in punitive action against a
5 firefighter who is not formally under investigation but is
6 interviewed regarding the investigation of another firefighter, a
7 public agency may grant the firefighter being interviewed the right
8 to be represented by a representative of his or her choice. If this
9 right is granted, the firefighter may choose a representative who
10 is reasonably available to represent the firefighter at an interview
11 that has been reasonably scheduled and the representative shall be
12 permitted to be present at all times during the interview. The
13 representative shall not be a person subject to the same
14 investigation. The representative shall not be required to disclose,
15 or be subject to punitive action for refusing to disclose, any
16 information received from the firefighter being interviewed as part
17 of the investigation for noncriminal matters.

18 SEC. 2. Section 3303.5 is added to the Government Code, to
19 read:

20 3303.5. If an investigation to which Section 3303 applies
21 focuses on matters that are likely to result in punitive action against
22 a public safety officer who is not formally under investigation but
23 is interviewed regarding the investigation of another public safety
24 officer, a public agency may grant the public safety officer being
25 interviewed the right to be represented by a representative of his
26 or her choice. If this right is granted, the public safety officer may
27 choose a representative who is reasonably available to represent
28 the public safety officer at an interview that has been reasonably
29 scheduled and the representative shall be permitted to be present
30 at all times during the interview. The representative shall not be a
31 person subject to the same investigation. The representative shall
32 not be required to disclose, or be subject to punitive action for

- 1 refusing to disclose, any information received from the public
- 2 safety officer being interviewed as part of the investigation for
- 3 noncriminal matters.

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