

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1118

Introduced by Assembly Member Bonta

February 27, 2015

An act to add Section 13515.56 to the Penal Code, relating to public safety and law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as amended, Bonta. Police officer standards and training: procedural justice.

Existing law establishes the Commission on Peace Officer Standards and Training, to adopt rules establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of specified peace officers. Existing law requires the commission to establish a certification program for those officers.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified.

~~This bill would require every city police officer or deputy sheriff at a supervisory level or below who is assigned field or investigative duties to complete a procedural justice training course certified by the commission within 18 months after the commission determines that the training curriculum is sufficient. The bill would require the training to address specified objectives and core principles, and would require the commission to periodically update the training course and establish~~

~~retraining schedule to incorporate updated course content.~~ *establish the Procedural Justice Task Force, which would be administered by the board. The task force would provide for grant funding, to be awarded to local law enforcement departments for the purpose of implementing and enhancing procedural justice training, as well as a matching grant program to award funds invested by philanthropic organizations. This bill would require the task force to manage these programs, monitor their implementation, and serve in an advisory capacity to sites leading implementation. The bill would set forth additional powers and authority relating to the operation of the task force.*

The task force would be composed of 12 members, including the Attorney General, or his or her designee, the chair of the board, representatives of law enforcement, nonprofit civil rights organizations, and academia, as prescribed. The bill would specify the minimum requirements for a procedural justice training program of a local law enforcement agency applying for a grant. It would require the commission to develop a model procedural justice training curriculum, within an unspecified period.

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. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *Procedural justice and police legitimacy training builds the*
- 4 *public’s confidence in police departments, acceptance of police*
- 5 *authority, and the belief that officers are fair, based on the*
- 6 *application of the following four key principles:*
- 7 (1) *Treating people with dignity and respect.*
- 8 (2) *Making decisions fairly, based on facts, not illegitimate*
- 9 *factors such as race.*
- 10 (3) *Giving people a voice – a chance to tell their side of the*
- 11 *story.*
- 12 (4) *Acting in a way that encourages community members to*
- 13 *believe that they will be treated with goodwill in the future.*
- 14 (b) *Law enforcement departments that employ such*
- 15 *principles – supported by a wealth of research – experience higher*
- 16 *levels of public cooperation with police efforts to address crime,*
- 17 *increased compliance with the law, stronger public support for*

1 *police, and greater deference to police in interactions with*
2 *community members.*

3 *(c) Procedural justice and police legitimacy university experts*
4 *have developed a proven curriculum that draws on research in*
5 *legitimacy, procedural justice, leadership and adult learning*
6 *theory, and has been successfully implemented in cities throughout*
7 *the nation, including in Chicago, Oakland, Stockton, and Salinas.*

8 *(d) The City of Oakland has advanced the field of procedural*
9 *justice and police legitimacy by having community partners lead*
10 *modules on the intersection of race and policing, including the*
11 *historical and generational effects of policing, and community*
12 *perspectives on policing.*

13 *(e) The community training partnership was well received by*
14 *police officers in Oakland, who actively engage with the community*
15 *trainers, and fostered a set of community leaders that act as critical*
16 *champions who, for example, serve as bridges to the community*
17 *while continuing to press for institutional change.*

18 *(f) The cities of Oakland, Salinas, and Stockton are all*
19 *considering ongoing procedural justice and police legitimacy*
20 *training, including a combination of scenario-based training and*
21 *advanced procedural justice training tailored to particular*
22 *situations or roles in a department.*

23 *(g) Several police departments that have implemented*
24 *procedural justice and police legitimacy training are planning on*
25 *incorporating content on implicit racial bias into future training.*

26 *(h) In Oakland and Stockton, the departments' embrace of*
27 *procedural justice principles has provided a set of unifying values*
28 *and guiding principles that a group of diverse partners regularly*
29 *invoke as they implement evidence-based violence reduction*
30 *strategies.*

31 **SECTION 1.**

32 **SEC. 2.** Section 13515.56 is added to the Penal Code, to read:
33 13515.56. (a) The Legislature finds and declares *all of the*
34 *following:*

35 (1) Police training that addresses culture, diversity, mental
36 illness, youth development, and emphasizes mediation skills,
37 improves how police relate to the communities that they serve and
38 help minimize the use of force. The Legislature acknowledges that
39 procedural justice training has emerged as a best practice for police
40 departments to build trust with community members and reduce

1 confrontation. Research suggests that when citizens see the police
2 as more objective, they are more likely to comply with police
3 directives.

4 (2) Procedural justice emphasizes treating community residents
5 with respect, and has gained traction as an evidence-based and
6 cost-effective way to reduce crime. As a result, several law
7 enforcement agencies throughout the country have implemented
8 procedural justice training into their academies along with field
9 training. Procedural justice is based on the following core
10 principles:

- 11 (A) Fairness and consistency of rule application.
- 12 (B) Impartiality and unbiased decisionmaker neutrality.
- 13 (C) Citizen voice in decisionmaking.
- 14 (D) Transparency and openness in process.

15 (3) Police training programs should include content for
16 mitigating the impact of bias, identifying and properly responding
17 to people with mental illness, and instill the principles and practices
18 of procedural justice.

19 ~~(b) Every city police officer or deputy sheriff at a supervisory
20 level or below who is assigned field or investigative duties shall
21 complete a procedural justice training course certified by the
22 commission, within 18 months after the commission determines
23 that the training curriculum is sufficient to satisfy the requirements
24 of this section. This training shall be offered to all city police
25 officers and deputy sheriffs as part of continuing professional
26 training. The training shall address, at a minimum, the objectives
27 and core principles described in paragraphs (2) and (3) of
28 subdivision (a).~~

29 ~~(e) The commission shall periodically update the procedural
30 justice training course required under this section, and shall
31 establish a retraining schedule to incorporate the updated course
32 content.~~

33 *(b) (1) The Procedural Justice Task Force is hereby created
34 and shall be administered by the Board of State and Community
35 Corrections. The purpose of the task force is to do both of the
36 following:*

37 *(A) To provide for grant funding, to be awarded to local law
38 enforcement departments for the purpose of implementing and
39 enhancing procedural justice training.*

1 (B) To provide for a matching grant program, whereby
2 philanthropic organizations may invest directly in procedural
3 justice training.

4 (2) The task force shall manage the grant programs, monitor
5 implementation, and serve in an advisory capacity to sites leading
6 implementation.

7 (3) The task force shall bring together police departments that
8 are implementing procedural justice training, as well as support
9 the implementation and monitor the effectiveness of a community
10 of practice plan to assist police departments that have adopted
11 procedural justice training.

12 (c) The task force shall have the powers and authority necessary
13 to carry out the duties imposed upon it by this section, including,
14 but not limited to, all of the following:

15 (1) To employ any administrative, technical, or other personnel
16 necessary for the performance of its powers and duties.

17 (2) To hold hearings, make and sign any agreements, and to do
18 or perform any acts that may be necessary, desirable, or proper
19 to carry out the purposes of this section.

20 (3) To cooperate with, and secure the cooperation of, any
21 department, division, board, bureau, commission, or other agency
22 of the state to facilitate the task force properly to carry out its
23 powers and duties.

24 (4) To appoint advisers or advisory committees from time to
25 time when the task force determines that the experience or expertise
26 of the advisers or advisory committees is needed for projects of
27 the task force. Section 11009 of the Government Code shall apply
28 to these advisers or advisory committees.

29 (5) To accept any federal funds granted, by act of Congress or
30 by executive order, for all or any of the purposes of this section.

31 (6) To accept any gift, donation, grant, or bequest for all or any
32 of the purposes of this section.

33 (d) The task force shall be composed of 12 members. The
34 members shall elect one member to chair the task force. The
35 members of the task force shall include individuals representing
36 a cross-section of disciplines and entities, as follows:

37 (1) The Attorney General, or his or her designee.

38 (2) The President of the Peace Officers Research Association
39 of California, or his or her designee.

1 (3) *The President of the California Police Chiefs Association,*
2 *or his or her designee.*

3 (4) *The President of the California State Sheriffs' Association,*
4 *or his or her designee.*

5 (5) *The Executive Director of the Commission on Peace Officers*
6 *Standards and Training, or his or her designee.*

7 (6) *The Chair of the Board of State and Community Corrections,*
8 *or his or her designee.*

9 (7) *Two representatives from each of the following categories,*
10 *one of whom shall be appointed by the President Pro Tempore of*
11 *the Senate and one of whom shall be appointed by the Speaker of*
12 *the Assembly:*

13 (A) *A university researcher or professor who specializes in*
14 *procedural justice, community-police relations, implicit bias, or*
15 *a similar law enforcement subject.*

16 (B) *A representative of a nonprofit civil rights organization that*
17 *specializes in civil or human rights and criminal justice.*

18 (C) *A community organizer who specializes in civil or human*
19 *rights and criminal justice.*

20 (e) *The task force shall award grants to local law enforcement*
21 *agency applicants with a procedural justice training program that*
22 *meets, at a minimum, the following requirements:*

23 (1) *Establishes authentic partnerships with community-based*
24 *organizations, incorporates community partners in leading a*
25 *portion of the training and development of local law enforcement*
26 *policies and practices.*

27 (2) *Apportions funding for community partners to facilitate*
28 *training modules.*

29 (3) *Addresses implicit bias.*

30 (4) *Includes a contextualized module that addresses the*
31 *historical and generational effects of policing with particular*
32 *emphasis on communities of color.*

33 (5) *Is implemented in multiple phases, including in the academy,*
34 *field training, and as ongoing standalone training, particularly*
35 *for mid-level officers and captains.*

36 (6) *Includes performance reviews to test police officers'*
37 *competency in procedural justice, including evaluations from*
38 *supervising officers, peer evaluations, and community surveys.*

1 (7) *Includes the development of tools to continuously assess*
2 *course quality and determine whether the training is changing*
3 *officers' attitudes and practices.*

4 (8) *Is tailored or customized to reflect community priorities and*
5 *departmental needs.*

6 (f) *In consultation with the task force, the commission shall*
7 *develop a model procedural justice training curriculum, no later*
8 *than _____. The task force and commission shall work together to*
9 *determine the appropriate length and content of the course.*

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