



Peace Officers Research Association of California

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THE REAL STORY: AB 953 AND AB 71 EXPLAINED

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Tensions brought forth by high-profile incidents throughout the country have many groups calling for changes to the way cops do their jobs. While PORAC members have always been willing to listen to the concerns of those feeling marginalized, it has been our message that quick-fix policy decisions will not achieve the goal of improving public safety. Thoughtful discussion based on facts, not rhetoric, is the only way to move forward and create real solutions.

Attorney General: Use of Force

As many of you know, early last year Attorney General Kamala Harris reached out to PORAC regarding recommendations for improving the reporting of use of force and officer-involved shootings in California. At the same time, the Department of Justice sent a survey of current use-of-force data collection and reporting practices to all sheriffs and chiefs throughout the state,

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Smart strategy begins with being well informed. In the complex political environment in which California's laws are written and our state's public policy is debated, it makes sense to have an experienced ally who can place the critical issues of our day in perspective. Aaron Read and Associates (ARA) goes beyond the

receiving responses from 201 departments. This was used as an overview of current practices and a basis to build upon. Exactly what records have been kept vary from agency to agency; for instance, some departments are keeping electronic records, some have paper-based systems and some work without any formal system for tracking such data.

PORAC recognizes the importance of collecting and analyzing data to create a thorough picture of public safety activities in California. If there are real problems, and not simply overblown media hysteria, there must be efforts to address them immediately and with thoughtful consideration of adjustments to training and procedures.

PORAC's Board of Directors discussed the Attorney General's request and outlined a proposal for changes to California's data collection system. This proposal was the only one submitted to the AG and was subsequently used as a framework for implementation of the new program.

That program, called Open Justice (www.openjustice.doj.ca.gov), is a public clearing house of law enforcement data, including arrest rates, deaths in custody/arrest-related deaths, and the number of law enforcement officers killed or assaulted in the line of duty. Currently, information is available from 1980 through 2013.

Corresponding with the launch of the Open Justice website, PORAC worked with Assembly Member Freddie Rodriguez (D-Pomona) on AB 71, which requires each law enforcement agency to annually furnish to the Department of Justice (DOJ) a report of specified instances when a peace officer is involved in a use-of-force incident. This bill simply streamlines the collection of this data each year to enable the easy compilation of such information statewide.

Data Collection: AB 953 (Weber)

In addition to these two initiatives, there have been numerous legislative proposals seeking to amend public safety policies and procedures. One such measure was AB 953 by Assembly Member

"breaking news" in the Legislature to provide an educated perspective of who is sponsoring new laws, who is writing them and what the chances are for success.

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Shirley Weber (D-San Diego), which amends the definition of “racial profiling” and requires law enforcement agencies to report specified information on stops to the Attorney General’s office. It also established the Racial and Identity Profiling Advisory Board (RIPA).

PORAC leadership met with Assembly Member Weber’s office for months on this legislation. We reiterated to the Assembly Member and her staff that much of this information is already collected, and the increased reporting requirements would be burdensome and time consuming, resulting in officers taking significantly longer for each stop. Furthermore, the upfront costs for implementing such reporting requirements would be immense, and ongoing costs will be of millions of dollars, making this an expensive experiment that will put further strain on departments already struggling to recover from years of budget cuts.

While Assembly Member Weber was begrudgingly receptive to PORAC’s concerns, she remained firm on moving forward with AB 953. Fortunately, PORAC was successful in securing multiple amendments to delete the more onerous requirements. The updated reporting requirements for each stop include:

1. The reason for the stop
2. The result of the stop, such as no action, warning, citation, property seizure, or arrest
3. If a warning or citation was issued, the warning provided or violation cited
4. If an arrest was made, the offense charged
5. The perceived race or ethnicity, gender and approximate age of the person stopped. (The identification of these characteristics shall be based on the observation and perception of the peace officer making the stop. For auto stops, this requirement applies only to the driver unless actions taken by the officer apply in relation to a passenger, in which case his or her characteristics shall also be reported.)
6. Actions taken by the officer during the stop, including, but not limited to, the following:
7. Whether the officer asked for consent to search the person, and if so, whether consent was provided

8. Whether the officer searched the person or any property, and if so, the basis for the search, and the type of contraband or evidence discovered, if any
9. Whether the officer seized any property and, if so, the type of property that was seized, and the basis for seizing the property

There are **no** requirements for the reports to include a case number, badge number, name or any other identifying information regarding the officer who made the stop, nor is it required to include the name, address, Social Security number or other personal information about the person(s) stopped.

It is also important to note that PORAC is the **only** rank-and-file law enforcement group included on the RIPA panel. This means that PORAC is in a position to provide feedback and make recommendations to the board based on boots-on-the-ground experience.

Looking Ahead

Law enforcement was faced with issues on many fronts this year, including body cameras, police oversight, sentencing reform, implicit bias and a myriad of other topics. PORAC leadership has made hard decisions and has been out front on all of these important issues on your behalf. While we fought hard to defeat AB 953, the final product was significantly more palatable than what we faced at the onset. We will continue to review the impacts of AB 953 as it becomes fully implemented, and if changes should be made, PORAC will move forward as necessary.

We also know there will be more body camera legislation introduced. We will work on all of this as we move into the second half of the legislative session.

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As longtime opponents to AB 109, Proposition 47 and 57, it would be inconsistent to now support a federal version of these bills. PORAC relayed our concerns to those involved in the crafting of this legislation and the advocates have taken some steps... [Read More »](#)

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