

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2429 (Quirk)
Version: April 6, 2022
Hearing Date: June 21, 2022
Fiscal: Yes
Urgency: No
AM

SUBJECT

Commission on Peace Officers Standards and Training: assessment of training requirements

DIGEST

This bill requires the Commission on Peace Officer Standards and Training (POST) to partner with academic researchers to assess existing peace officer training requirements and establish a permanent academic review board to regularly review and update the training requirements, as specified. The bill requires POST to collect and secure data for these purposes, and provides that any personal identifying information of a peace officer, trainee, or student collected by POST for research is confidential and prohibited from being released to the public, except as specified.

EXECUTIVE SUMMARY

In November 2021, the Little Hoover Commission published a final report detailing the findings of its study to examine POST's role in shaping law enforcement training standards for California's peace officers. This bill seeks to implement some of those recommendations.

This bill was previously analyzed by the Senate Public Safety Committee – where it passed by a vote of 5 to 0 – regarding issues relating to requiring POST to partner with academic researchers to assess existing training requirements and establish a permanent academic review board to review and update training requirements. This analysis, however, is limited to the issues within the Committee's jurisdiction – namely, the provision that prohibits personal identifying information of a peace officer, peace officer trainee, or student of a regular basic course collected by POST for research from being released to the public, except as specified.

The bill is author sponsored. It is support by Brady California, Brady Campaign to Prevent Gun Violence, California Federation of Teachers AFL-CIO, California Public

Defenders Association, the Los Angeles County District Attorney's Office, and the Little Hoover Commission. There is no known opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

1. Establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites and states the powers of POST, including among others, to develop and implement programs to increase the effectiveness of law enforcement, to secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. (Pen. Code, §§ 830-832.10; 13500 et. seq.)
2. Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. Const. art. I, § 3 (b)(1).)
 - a) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
 - b) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 6250.)
3. Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 6250 et seq.)
 - a) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 6253.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 6252(e).)
 - c) Defines "public agency" as any state or local agency. (Gov. Code § 6252(d).)
 - d) Recodifies the CPRA in Division 10 of Title 1 (§§ 7920.000 - 7931.000) of the Government Code effective January 1, 2023.

This bill:

- 1) Requires POST to do all of the following:
 - a) partner with academic researchers to conduct an assessment of existing peace officer training requirements and determine how well the existing officer training requirements are working for peace officers in the field;
 - b) adjust training mandates as needed based on its findings, including reducing or eliminating training because it is not effective or no longer meets the needs of the workforce today;
 - c) continually assess new mandated training requirements;
 - d) revise its process for evaluating law enforcement training to include additional course certification criteria that incorporates training outcomes; and
- 2) Requires POST to collect and secure data for research purposes in order to improve training and to encourage more rigorous analysis of officer training programs, and provides that the data is to be kept confidential.
- 3) Requires POST to establish a permanent academic review board to do all of the following:
 - a) regularly review and update the commission's training standards and curriculum to ensure alignment with the latest scientific research;
 - b) survey current research on peace officer training and other relevant topics and advise the commission on how to incorporate findings into new and existing standards and training;
 - c) advise the commission on strategies to define and test training outcomes; and
 - d) advise the commission on procedures to address data confidentiality issues that may arise from sharing data for research purposes.
- 4) Requires POST to submit a report to the Legislature on or before January 1, 2025, containing specified information.
- 5) Provides that any personal identifying information of a peace officer, peace officer trainee, or student of a regular basic course collected by POST for research is confidential and prohibited from being released to the public, except as specified.

COMMENTS

1. Stated need for the bill

The author writes:

While peace officer training is a powerful tool for implementing change in policing, there is very little evidence that demonstrates which trainings actually impact officer behavior in the field. Without a process that allows the State to

assess which trainings result in improved police performance, the Legislature can continue to mandate trainings without any evidence for the need of these trainings. It is crucial to establish an evaluation process that uses the latest scientific research so that the State can learn which trainings are most effective. AB 2429 would require the Commission on Peace Officer Standards and Training (POST) to partner with academic researchers and assess the success of all current peace officer trainings. The assessment will clearly show which trainings are working, and which are not, and will allow the State to make informed decisions when mandating any future peace officer trainings.

2. Little Hoover Commission report on law enforcement training

In November 2021, the Little Hoover Commission (Commission) published a final report detailing the findings of its study to examine POST's role in shaping law enforcement training standards for California's peace officers in the wake of deadly police encounters and excessive uses of force by law enforcement.¹ The Commission's report made various recommendations regarding law enforcement training, including:

- Lawmakers should temporarily refrain from amending or adding new law enforcement training requirements and instead provide POST funding to assess how well existing officer training is working in the field and adjust training mandates as needed.
- POST should revise its process for evaluating law enforcement training to include additional course certification criteria that incorporate training outcomes.
- To encourage more rigorous analysis of officer training programs, POST should establish a process to collect and secure data for research purposes in order to improve training.
- To foster collaboration with academic researchers, POST should establish a permanent academic review board to ensure training standards are aligned with the latest scientific research and advise POST on how to incorporate research findings into new and existing standards and training.²

This bill seeks to implement some of the Commission's recommendations by requiring POST to partner with academic researchers to assess existing peace officer training requirements, as provided, and establish a permanent academic review board to regularly review and update the training requirements, as specified.

¹Little Hoover Commission, *Law Enforcement Training: Identifying What Works for Officer sand Communities* (Nov. 2021), available at <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/265/Report265.pdf>.

² *Id.* at 3.

3. Personal identifying information prohibited from being disclosed to the public

The bill requires POST to collect and secure data for research purposes in order to improve training to encourage more rigorous analysis of officer training programs, and provides that the data is to be kept confidential. The bill provides that any personal identifying information of a peace officer, peace officer trainee, or student of a regular basic course collected by POST for research, evaluation, tracking or course development is confidential and prohibited from being released to the public, except as specified under existing provisions of law related to the public disclosure of personnel records of peace officers and custodial officers under the CPRA. (Pen. Code 832.7.) As such, this bill limits the access of the public to public records. Due the sensitive nature of personally identifying information, this limitation on disclosure seems warranted.

4. Statements in support

In support of the bill Brady Campaign to Prevent Gun Violence and Brady California write:

Peace officer training is a powerful tool for implementing change in policing, but currently there is insufficient analysis concerning which trainings actually is effective in impacting officer behavior in the field or to assess if the training is beneficial to officers in the field. Currently, when the Legislature mandates new trainings, the training becomes indefinitely required and trainings become obsolete or no longer serve the needs of the community, the law will still require peace officers to take the outdated training. Conducting a training assessment will allow the State to remove trainings that are insufficient or redundant and allow a refocus on mandating trainings that are proven effective and meaningful.

SUPPORT

Brady California
Brady Campaign to Prevent Gun Violence
California Federation of Teachers AFL-CIO
California Public Defenders Association
Los Angeles County District Attorney's Office
Little Hoover Commission

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 399 (Atkins, Ch. 594, Stats. 2019) required the President pro Tempore of the Senate and the Speaker of the Assembly to each appoint a member of the commission who is not a peace officer and who has demonstrated expertise in specified areas, such as implicit and explicit bias and cultural competency.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 73, Noes 0)

Assembly Appropriations Committee (Ayes 16, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 0)

Assembly Public Safety Committee (Ayes 7, Noes 0)
