



PUBLIC SAFETY POLICY COMMITTEE

Friday, January 19, 2024

9:30 a.m. – 12:30 p.m.

Register for this meeting:

[https://us06web.zoom.us/meeting/register/tZMpcOugpjkuHN0GYC4IR-KY1pgLGK79uSz5](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/register/tZMpcOugpjkuHN0GYC4IR-KY1pgLGK79uSz5)

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

I. Welcome and Introductions

Speakers: Chair, Claudia Frometa, Mayor, Downey
Vice Chair, Tessa Rudnick, Mayor, El Cerrito
Cal Cities President Dan Parra, Mayor, Fowler
Cal Cities Executive Director and CEO Carolyn Coleman

II. Public Comment

III. General Briefing (Attachment A) Informational

IV. Cal Cities 2024 Strategic Priorities (Attachment B) Informational

V. Update to Existing Policy and Guiding Principles (Attachment C) Action

VI. Retail Theft Panel Discussion Informational
Speakers: Jonathan Feldman, Legislative Advocate, CA Police Chiefs Association
Rachel Michelin, President, CA Retailers Association

VII. Adoption of 2024 Work Program Action
To inform the work program, please fill out this [brief survey](#) in advance of this meeting.

VIII. Budget Update/Legislative Wrap-up and Outlook (Attachment D) Action
Speaker: Jolena Voorhis, League of California Cities

IX. Adjourn

Next Meeting: Friday, March 22, 10:00 a.m. - 2:00 p.m.

A list of all the Cal Cities Public Safety bills can be found [here](#).

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1. Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
 - 2. A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*
- A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at Cal Cities meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.*

The January 18-19, 2024 Policy Committees General Briefing

Overview:

The first month of the Legislature's return to Sacramento focused on moving bills from last year to the second house along with Gov. Gavin Newsom unveiling his proposed budget.

The bill introduction deadline is February 16. As the tidal wave of new bills are introduced, legislative policy committee and budget subcommittee meetings will begin in earnest beginning in late February and early March. This will be the first opportunity for Cal Cities to advocate on legislation important to cities.

Governor's Proposed Budget Highlights:

If there are two things Gov. Gavin Newsom wants everyone to take away from this year's \$291.5 billion budget proposal, it's "accountability and stretching those tax dollars." The proposal avoids deep cuts to most programs through a combination of reductions, borrowing, delays, deferrals, and shifts. Climate change and housing received the largest cuts, with existing spending largely maintained in other areas.

Newsom also said the magic word: ongoing. Last week, the League of California Cities called on lawmakers to honor previous funding commitments and create an ongoing funding stream to increase affordable housing and reduce homelessness. Although the latter was noticeably absent, Newsom did not claw back any current commitments on homelessness and acknowledged that conversations about ongoing funding are in play. He also underscored the need for strong state-local partnerships.

"We welcome the Governor's commitment to working closely with the Legislature on additional, ongoing funding to support local governments' response to the homelessness crisis," said Carolyn Coleman, Cal Cities executive director and CEO. "However, we can't afford to defer or delay the urgent need to put a roof over the heads of all Californians. That's why we are concerned about the roughly \$1 billion in proposed cuts to key housing programs."

The budget proposal is the first step in a lengthy series of negotiations over many months. Complicating this year's negotiations is what the Newsom Administration attributed to a difference in opinion about the state's short-term economic outlook. The Governor is projecting a \$38 billion deficit — far less than the Legislative Analyst's Office (LAO) predicted. A comprehensive Cal Cities budget breakdown can be found [here](#).

Policy Committee Information:

Community Services

Caroline Grinder, Lobbyist

This year, Cal Cities will continue to advocate for [ongoing funding to address homelessness](#). Cities fared well in the budget when it comes to homelessness funding commitments made in prior year's budgets. However, while the budget does not propose cuts to these critical programs, it also does not propose any new funding allocations. As in previous years, Newsom reiterated his focus on working with the Legislature to increase

oversight and accountability for how local governments utilize state homelessness funding. Cal Cities will continue to emphasize that accountability for state funding at the expense of action fails to expand or develop cities' capacity to address immediate homelessness challenges.

In breaking news, Cal Cities Board of Directors voted overwhelmingly to [support Proposition 1](#) during their December meeting. Proposition 1 will appear on the March 2024 ballot and includes substantial changes to the Mental Health Services Act and a \$6.38 billion bond to fund over 11,000 new behavioral health beds. In addition to supporting Proposition 1, Cal Cities Board directed staff to engage in the regulatory process and pursue legislation to implement reasonable oversight of licensed recovery housing and sober living homes to ensure the safety and success of those receiving services and support.

Looking to the year ahead, the Community Services Policy Committee will remain committed to advancing Cal Cities' [advocacy priority](#) of expanding investments to prevent and reduce homelessness. The committee will also continue to focus on other pressing issues, such as addressing the substance use and mental health crisis, supporting early learning and childcare programs, increasing access to open space, and bolstering cities' efforts to prepare for and respond to emergencies, among other issues.

Environmental Quality

Melissa Sparks-Kranz, Lobbyist

While the proposed budget maintains several noteworthy investments, as mentioned, it contains substantial reductions and shifts in funding that will impact cities. This year sees a major shift in funding which includes \$2.9 billion in reductions, \$1.9 billion in delays of expenditures to future years, and \$1.8 billion in shifts to other funds for climate-related programs. Additionally, we anticipate significant movement in the Legislature on several policy areas, including in organic waste, water management, and clean energy.

Climate Change

In years past, the Governor has identified combating climate change as a key priority within the administration. With the proposed budget limiting climate funding, such as the \$475 million reduction of planned investments in the Climate Innovation Program, Cal Cities anticipates a key focus of the Legislature will be around the climate bond proposals as a way to finance the long-term necessary capital investments to support the state's robust climate goals. With multiple climate related proposals introduced in last year's legislative session, Cal Cities will continue its active engagement to support a climate bond that would move to the ballot in November 2024.

Single Use Plastics, Recycling, and Organic Waste Diversion

This year started off with the release of the draft regulations for the single use packing and plastic food ware legislation, SB 54 from 2022. Cal Cities will be engaging with Cal Recycle over the next year on the regulations, as well as the Producer Responsibility Organization

representing plastic producers who have the extended responsibility of managing plastics through the end of their life cycle, including reimbursement to local jurisdictions implementing these recycling programs. Cities are implementing CalRecycle's SB 1383 organic waste diversion regulations; however, Cal Cities anticipates significant legislation to be introduced to reform SB 1383 following the analysis conducted by the Little Hoover Commission released in August 2023, which called upon the Legislature to put a complete pause on implementation of the statewide program. Cal Cities will continue to advocate for progress but will be weighing in on legislation to ensure city interests are protected if changes to the program are forthcoming.

Drought & Water Supply

California has experienced both extreme atmospheric river storms and megadrought conditions in the last several years. Early predictions show this water year starting out with less than average snowpack and precipitation conditions. The Governor's proposed budget reduces funding for various water programs and drought resilience by \$1.4 billion, the largest reduction being the \$350 million over the next two years for various watershed climate resilience programs. As a consequence of severe weather events and weakened funding, a large focus this year in the Legislature will be on the continuing water rights bills, as a means to evolve the overall management of water supply throughout the state. The discussions will continue with the state on the long-term urban water conservation standards that are currently going through the formal rulemaking process. As new legislation is introduced, Cal Cities will continue to review, analyze, and provide updates as needed.

Energy

Lastly, as the state moves towards its 100% clean energy and zero-emission future, city roles in this space will become more prominent. With more and more cities passing reach codes to phase out natural gas in their buildings and moving to incentive deployment of electric vehicle charging stations, the state will be looking to continue to partner with cities on accelerating this transition. Cal Cities anticipates the exploration of hydrogen manufacturing facilities with California receiving a National Hydrogen Hub award, of up to \$1.2 billion from the U.S. Department of Energy in October 2023 to accelerate the development and deployment of clean renewable hydrogen. Cal Cities will be monitoring these efforts and if additional legislation is introduced.

Despite this year's budget shortfalls in our policy area, the Environmental Quality Policy Committee will remain committed to advancing Cal Cities' [advocacy priority](#) of strengthening climate change resilience and disaster preparedness.

Governance, Transparency, and Labor Relations

Johnnie Piña, Lobbyist

The Governor's January budget contains investments aimed at improving worker health and safety programs, unemployment, paid family leave, and workers' compensation wait

times. While the budget largely maintains workforce investments, it does propose several reductions and delays in funding for workforce training and apprenticeships.

Legislatively, this year will be another year full of bills related to the governance, transparency, and labor relations space. We will see legislation related to challenges cities continue to face including managing California Public Records Act requests, managing upcoming elections, grappling with emerging technology such as artificial intelligence, managing disruptions in public meetings, dealing with hiring challenges and growing labor costs all in a time of economic uncertainty.

The Ralph M. Brown Act

Cal Cities is a co-sponsor of [AB 817 \(Pacheco\)](#) which passed out of the Assembly Local Government Committee this week and will continue to move through the legislative process. This measure would remove barriers to entry for appointed and elected office by allowing nondecision-making legislative bodies that do not have the ability to take final action to participate in two-way virtual teleconferencing without posting their location.

Housing, Community, and Economic Development

Waleed Hojeij, Policy and Legislative Affairs Analyst

Last year, more than 100 housing related measures were introduced in the legislature. We anticipate a similar number this year. Lawmakers are likely to focus on proposals seeking to require additional housing streamlining processes, adaptive reuse of existing structures, density bonus expansion, elimination of parking requirements, caps of development fees, and by-right housing approvals.

To complicate the matter further, the Governor is projecting a \$38 billion budget deficit. To help close the significant gap, he is proposing to cut \$1.7 billion from various housing programs. These cuts put California cities in a difficult position when it comes to spurring much needed housing development. The elimination of \$250 million from the Multifamily Housing Program leaves only \$75 million for 2023-2024. This is one of the most successful state programs to development multifamily housing, including affordable housing. The Governor would also like to cut \$200 million from the Infill Infrastructure Grant Program, leaving only \$25 million in 2023-2024. This grant program is already a highly competitive grant that helps provide funding for essential infrastructure. Without this funding many projects will be unable to be constructed.

While the Governor remains optimistic about our economic forecast, the Legislative Analyst's Office suggests a potential economic recession in the near future. Regardless, we will remain dedicated to supporting legislation that provides essential tools and incentives that bolster job creation and retention. The budget projects modest wage growth, personal income growth, historically low interest rates, and increased residential building permits in 2024. Some notable economic development allocations include:

- California Competes Program: Commits \$60 million to extend the California Competes grant program for one additional year.

- Recapitalization of the Infrastructure State Revolving Fund: A one-time increase of \$50 million to recapitalize the Infrastructure State Revolving Fund at the California Infrastructure and Economic Development Bank (IBank).

Public Safety

Jolena Voorhis, Lobbyist

Many cities have seen a significant increase in retail theft, organized retail theft, and smash and grabs. The Governor's proposed budget maintains existing efforts to reverse this trend, for a total of \$373.5 million over four years starting in 2022-2023. This includes resources for the California Highway Patrol's retail theft task forces and local law enforcement.

Other notable budget proposals include more funding to combat fentanyl, as well as some delays in programs and changes to various fire protection programs.

Regarding the outlook for 2024, please see the issues noted below:

Retail Theft

The Assembly has prioritized retail theft as a top priority and created the Select Committee on Retail Theft which met on December 19, 2023, and is expected to meet two more times in January. The Speaker and the Chairs of both of the relevant policy committees have indicated that changes to Proposition 47 are on the table for discussion and specific attention has been placed on addressing repeat offenders and having accountability for shoplifting and other theft.

The Little Hoover Commission is also holding hearings on retail theft as requested by the Legislature and is working on a report to be released in the spring. The Commission has held two hearings so far and speakers have included City Councilmember Gabe Quinto from El Cerrito, the California Retailers Association, and the California Grocers Association.

Addressing retail theft and the increase in crime is also one of Cal Cities top priorities. Cal Cities is working with a large coalition of other groups including the Police Chiefs, Retailers, Grocers, Probation Chiefs, Sheriffs and the Chamber to work on a solution to this problem this year.

The Governor announced several [legislative proposals](#) to address retail theft on January 8, 2024. This legislative package on retail theft would address the following issues: reselling, aggregation, organized retail theft, and local enforcement.

However, it should be noted, that these proposals would not amend Proposition 47 and therefore the impact may be limited.

Cannabis

Cal Cities expects several pieces of legislation on the cannabis issue, specifically related to local control issues and the implementation of AB 2188 related to drug testing of employees.

Fentanyl

Cal Cities is anticipating several bills to be introduced on Fentanyl in 2024. Of note is proposed legislation by Governor Newsom to add tranq to the list of crimes that could be prosecuted as a felony.

Revenue and Taxation

Ben Triffo, Lobbyist

The 2024-25 budget is shaping up to be a contentious challenge. In December 2023, the LAO reported that revenues were well below prior estimates, leading to a long-term budget deficit projection of \$68 billion. The Governor's January budget proposal falls in between those numbers, with Newsom predicting a \$37.86 billion shortfall. According to the Governor, this difference boils down to Prop. 98 savings, workload reductions, new revenues, and "less pessimism" about the near future.

The Governor's proposed budget draws \$13.1 billion from the state's reserve accounts, which the Administration described as an appropriate tool to help balance the deficit. The rest of the shortfall is balanced with \$8.5 billion in reductions, \$5.7 billion in internal borrowing, \$5.1 billion in delays, \$3.4 billion in fund shifts, and \$2.1 billion in deferrals. The Governor's proposed budget maintains \$18.4 billion in budgetary reserves.

ACA 13 and the Taxpayer Protection and Government Accountability Act

In other news, the Cal Cities Board of Directors voted unanimously to support ACA 13 (Ward) during the December meeting. ACA 13 is an effort to stop the "Taxpayer Protection and Government Accountability Act" initiative. The initiative — sponsored by the California Business Roundtable — would expand the definition of a tax and raise the voter approval threshold for some local taxes. The initiative would also limit certain fees to the minimum amount necessary to provide the service. Collectively, this measure annually places billions of local government revenue dollars at risk.

ACA 13, if approved by voters, would require any state or local initiative measure to conform with any increased voter threshold that it seeks to impose on future ballot measures. For example, if a measure looks to increase the voter threshold of a specific tax measure from a simple majority (50% +1) to a supermajority (two-thirds), the measure would be required to pass by that same supermajority. The measure also preserves the right of local governments to place advisory questions on the ballot and states that the provisions of this constitutional amendment apply to all statewide initiative measures submitted to voters on or after Jan. 1, 2024. If ACA 13 is approved by voters in November 2024, the Taxpayer Protection and Accountability Act would be required to pass by a two-thirds majority.

Going Forward

In 2024 the Revenue and Taxation Policy Committee will promote Cal Cities' advocacy priority of safeguarding local revenues and bolstering local economic development. The committee will also stay apprised of the recommendations being crafted by the City Managers Sales Tax Working Group and will fight any attempt to backfill the state's budget deficit using local revenue streams that provide essential local services.

Transportation, Communications, and Public Works

Damon Conklin, Lobbyist

Transportation

The Governor's proposed budget uses a combination of shifting and delaying funds to uphold 99 percent of last year's transportation commitments, resulting in \$13.6 billion. This includes \$791 million in funds shifted from the Greenhouse Gas Reduction Fund and \$3.1 billion in delays across various programs. The proposed budget also maintains \$10 billion — extended over seven years — in investments to further the transition to zero-emission vehicles. The largest spending reduction was \$200 million from the Active Transportation Program, leaving \$850 million for clean transportation and mobility programs, such as pedestrian and bicycle pathways.

The Governor's proposed budget proposes to delay \$1 billion of formula Transit and Intercity Rail Capital Program grant funding from 2024-25 to 2025-26 budget, leaving \$1 billion for this program in 2024-25; dedicate \$4.2 billion Proposition 1A for the High Speed Rail Authority to continue building the 119-mile Central Valley Segment from Madera to just north of Bakersfield; dedicate \$1.2 billion for projects that improve goods movement on rail and roadways at port terminals, including railyard expansions, new bridges, and zero-emission modernization projects; and delay \$45 million from the General Fund for grants intended to support zero-emission vehicles.

Autonomous Vehicles

Cal Cities is co-sponsoring legislation, [SB 915 \(Cortese\)](#) to prioritize local control in the decision to deploy autonomous vehicle (AV) services, where a company has already received any deployment approval by the DMV and the CPUC. Also, the measure seeks to improve public safety by addressing the problem of AVs delaying or interfering with emergency vehicles by allowing first responders and law enforcement to override a wayward AV that interferes with an emergency situation.

Advance Clean Fleet

The Advanced Clean Fleets (ACF) Regulation is the latest development by CARB to set increasingly stringent emission standards for mobile sources. Compliance requirements have already begun January 1, 2024, and reporting is due April 1, 2024. From 2024 to 2026, 50% of all vehicles, including class 2b-8 trucks (vehicles over 8,500 pounds), acquired by state or local governments must be ZEV. In 2027, that mandate moves to 100%.

Cal Cities will be looking at sponsoring and advancing legislation in 2024 to provide greater flexibility for cities compliance to the ACF regulations.

To find a list of relevant bills for each policy committee, please visit our [bill search webpage](#).

League of California Cities 2024 Advocacy Priorities

- 1. Safeguard local revenues and bolster local economic development.**

Cities are the engine of the state economy. With a looming state budget deficit, it is critical to counter efforts by the state and corporations to erode or skim local revenue. Cal Cities supports increasing local revenue streams for local governments and **opposes any effort to reduce or eliminate existing funding to cities**. Cal Cities will use every tool in the toolbox — legislative, legal, and grassroots mobilization — to **fight a 2024 ballot measure** that represents an existential threat to local control. The measure, sponsored by the California Business Roundtable, would put at risk billions of dollars for essential local services. Cal Cities also supports legislation that will fund a **state-local partnership to enhance economic development** in these uncertain fiscal times.
- 2. Strengthen climate change resiliency and disaster preparedness.**

The threat of climate change is no less during tough economic times. The state needs to accelerate its efforts to **prepare, reduce, and adapt** to the ever-changing risks posed by climate change — especially in **vulnerable and under-resourced communities**. These risks include wildfires, flooding, drought, and other extreme weather events. Cal Cities will pursue **funding strategies**, including potentially a bond, that provide cities with the necessary resources to **improve community and infrastructure resiliency**. Cal Cities will also seek to advance a partnership with state and federal agencies to strengthen essential infrastructure, including modernizing the state's **water supply** and energy grid.
- 3. Improve public safety in California communities.**

A spike in retail theft, violent smash-and-grab robberies, fentanyl deaths and illicit drug use, and back-to-back natural disasters, as well as strained social services are creating challenges beyond the capacity of local governments. Cal Cities will partner with the state to advance solutions that help **reduce crime, increase emergency service capacity**, and provide more support to those residents struggling with **substance abuse**. We will work with the Legislature, the Governor, and allies to craft legislation that will **reform Proposition 47**, while **avoiding a return to the days of mass incarceration**.
- 4. Expand investments to prevent and reduce homelessness and increase the supply of affordable housing.**

California cities are doing more than ever to get residents off the streets and into safe, stable, and affordable housing. However, the homelessness crisis in the world's fifth-largest economy continues unabated — fueled in part by a lack of affordable housing. Cal Cities is calling on the state to provide **ongoing funding** to bolster local efforts to support individuals experiencing, or at risk of, homelessness as well as strengthen state and local partnerships **to improve access to wraparound services**, including mental health and substance use treatment. Cal Cities also supports ongoing funding for cities to **jumpstart the construction of affordable housing**, while ensuring cities **retain local decision-making** and flexibility to achieve community and state housing goals.

Public Safety

Scope of Responsibility

The Committee on Public Safety reviews federal and state legislation and issues related to law enforcement, fire and life safety policies, emergency communications, emergency services, disaster preparedness, Indian gaming, and nuisance abatement.

Summary of Existing Policy and Guiding Principles

Fire Services

Cal Cities supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities.

Cal Cities supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

Cal Cities supports legislation to provide a framework for a solution to long-standing conflict between cities, counties, the fire service and LEMSA's, particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

Cal Cities supports stored pressure dry chemical fire extinguishers to be serviced and recharged every six years or after each use, whichever occurs first. Additionally, Cal Cities supports requiring a licensed technician to perform the annual external maintenance examination of stored pressure dry chemical fire extinguishers.

Cal Cities opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

Cal Cities supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

Cal Cities supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions.

Cal Cities supports incentives for homeowners who undertake measures to “harden their homes.”

Emergency Services and Preparedness

Cal Cities supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource.

Cal Cities supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. Cal Cities also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility.

Emergency Communications Interoperability: Cal Cities supports activities to develop and implement statewide-integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local, state and federal law enforcement, fire, emergency medical and other public safety agencies.

Cal Cities supports a single, efficient, performance-based state department to be responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.

Cal Cities supports efforts to secure additional funding for local agencies to provide training opportunities for appropriate first responder personnel to improve their ability to respond to oil spills, fires, and other hazardous materials accidents.

Cal Cities supports legislation and additional state and federal regulation crafted to ensure that first responders can perform their duties during emergency response operations without interference from unmanned aerial systems, or drones.

Cal Cities supports the authorization of cities to approve and develop Community Paramedicine or Triage to Alternate Destination programs for their jurisdictions.

Cal Cities opposes policies that limit cities’ ability to privately contract for emergency medical services.

Law Enforcement

Cal Cities supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens’ Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Cal Cities opposes booking fees and continues to seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.

Cal Cities supports a local government's ability to double the fine for traffic violations in school zones in an attempt to reduce the speed of drivers and protect our youth.

Cal Cities supports reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals, including the direct costs associated with processing and booking at the time of arrest.

Cal Cities supports policies that promote a victim's right to seek restitution, create restrictions on the early release of state inmates from incarceration for the purpose of alleviating overcrowding, and limit parole hearing opportunities for state inmates serving a life sentence or paroled inmates with a violation.

Cal Cities supports parolee search and seizure terms, which aids local law enforcement's ability to manage paroled offenders.

Cal Cities supports increased penalties for metal theft, and recognizes that statewide regulation is needed to discourage "jurisdiction shopping". Cal Cities also supports increased record-keeping and reporting requirements for junk dealers, including the collection of thumbprints from sellers.

Cal Cities supports accountability on the part of law enforcement agencies concerning police surveillance technology and policies, as well as related oversight by local governing bodies, but also strongly supports limits on disclosure of the full capabilities of such technology to the general public where such disclosure would compromise the effectiveness of the technology's law enforcement applications.

Cal Cities supports policies that require state government entities to notify local law enforcement about known individuals that are prohibited from owning or possessing a firearm.

Cal Cities supports policies that authorize law enforcement officers to administer opioid antagonist medications.

Cal Cities opposes policies that restrict law enforcement agencies from utilizing surveillance technology that would otherwise enhance their ability to prevent criminal activity.

In addition to the mental health screening provided by local hiring entities, Cal Cities supports resources and education to support the mental health needs of local public safety personnel.

Cal Cities recognizes the need to establish a peace officer decertification process through POST.

Cal Cities supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Mental Health/Substance Use Disorder

Cal Cities supports the promulgation of policies and the use of resources to increase collaboration between first responders and health agencies for incidents involving people living with mental illness or experiencing substance use disorders.

Cal Cities supports additional funding and resources to address the substance use crisis through appropriate prevention and intervention efforts, educational awareness campaigns, and increased access to life-saving overdose treatment aids such as naloxone.

Cal Cities supports resources for increased training and education for first responders to serve people living with mental illness or experiencing substance use disorders as well as increased multidisciplinary collaboration.

Cal Cities supports transparency relating to sustained findings of officer misconduct.

Cal Cities supports transparency and oversight relating to criminal investigations of officer misconduct.

Cal Cities supports the completion and disclosure of findings relating to officer misconduct despite their voluntary separation from the employing agency.

Police Use of Force

Cal Cities supports transparency on the part of law enforcement agencies regarding agencies' policies on the use of force.

Cal Cities supports the establishment of minimum state standards on use of force that must be included in all California law enforcement agencies' use of force policies.

Cal Cities supports basic training requirements and guidelines for agencies and law enforcement officers on use of force, including, but not limited to training on the legal standards for use of force, one's duty to intercede, implicit and explicit bias and alternatives to the use of deadly force.

Cal Cities opposes modifications to the legal standard on use of force; to the extent, such proposed changes elevate the safety risk to law enforcement officers. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.

Cal Cities opposes the limitation of law enforcement discretion to utilize less lethal tools for dispersing unruly or unlawful crowds.

Drones

Cal Cities supports policies that allow cities to impose reasonable time, place, and manner restrictions on the operation of drones in their jurisdictions.

Cal Cities supports policies that authorize local law enforcement to enforce state and local drone laws.

Cal Cities supports policies that promote the availability of information on state and local drone laws so that operators are aware of and accountable to local rules.

Cal Cities supports local agencies' ability to enact and enforce rules of general applicability, such as trespass, nuisance, or noise, in a manner that addresses unsafe drone operations.

Cal Cities supports the promotion of transparency to the public, and as technology permits, encourages local agencies to pursue the development and use of real-time drone tracking systems to ensure residents can look up the details of drones operating in a given area.

Cal Cities opposes state legislation or regulations that outright bans drones.

Cal Cities supports the establishment of governmental immunity for local jurisdictions that designate drone recreational areas, which notify the public that drones may be flying overhead, and that persons enter these designated areas at their own risk.

Fireworks

Cal Cities supports increased resources for local enforcement of illegal fireworks and aggressive interdiction efforts in collaboration with state agencies.

Wildland Urban Interface

Cal Cities supports activities to cooperate, coordinate, and communicate in the development of better land use policies and wildland fuel management programs to decrease impacts to public health and safety resulting from wildland urban interface fires.

Nuisance Abatement

Cal Cities supports enhanced local control over public nuisances including, but not limited to:

- Adult entertainment facilities;
- Problem alcohol establishments; and
- Properties where illegal drugs are sold.

Violence

Cal Cities supports the reduction of violence through strategies that address gang violence, domestic violence, youth access to tools of violence, including but not limited to firearms, knives, etc., and those outlined in the California Police Chiefs Policy Paper endorsed by Cal Cities Board of Directors.

Indian Gaming

Cal Cities supports the following principles that are intended to balance tribal self-reliance with the local government mandate to protect the public health and safety.

- Require an Indian Tribe that plans to construct or expand a casino or other related businesses to seek review and approval of the local jurisdiction for such improvements consistent with state law and local ordinances including the California Environmental Quality Act, with the Tribal government acting as the lead agency and with judicial review in the California courts.
- Require mitigation of off-reservation impacts consistent with environmental protection laws that are at least as stringent as those of the surrounding local community and CEQA.
- Require written agreements between tribes and affected local agencies to ensure tribes are subject to local authority related to the infrastructure needs and services outlined above.
- Require adequate compensation from the tribes to the local agency providing the government services that are required by the tribal casino or related businesses.
- Ensure compensation to local agencies from the Special Distribution Fund for off-reservation mitigation coupled with other sources to ensure adequate compensation.
- Require a judicially enforceable agreement between tribes and local jurisdictions on all of these issues before a new compact or an extended compact may become effective.
- Establish appropriate criteria and guidelines to address future compact negotiations.
- The Governor should establish and follow appropriate criteria to guide discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by the Indian Gaming Regulatory Act (25 U.S.C. § 2719).

Gaming

Cal Cities supports measures expanding local control over local gaming operations, including but not limited to management of the hours of operation and number of tables in an establishment, as an effective tool to enhance related local revenue streams. Cal Cities opposes as a restriction on those same revenue streams measures that would further restrict such local control, including but not limited to the extension of existing statewide gaming moratoriums.

Alcohol

Cal Cities supports policies that limit the ability of minors to engage in alcohol consumption, and limit youth access to alcoholic beverages, so long as related state-mandated programs or services provide for full reimbursement to all local agencies.

Cal Cities supports local policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority.

Cal Cities supports additional penalties for repeat driving under the influence (DUI) offenders that include, but are not limited to, permanent revocation of an individual's driver's license.

Cal Cities supports legislation and other regulations intended to improve local governments' enforcement capability against alcohol licensees that are in violation of state law and local ordinances.

Cal Cities supports the ability of bars and restaurants to operate expanded outdoor premises with local and state approval.

Cal Cities supports the sale of alcoholic beverages for off-sale consumption if the beverages are in manufacturer prepackaged containers with local and state approval.

Cannabis Regulation

Cal Cities regards as a vital interest the maintenance of local control over medical and adult use cannabis businesses, and supports measures that enhance and protect maximum local regulatory, land use, and enforcement authority in relation to such businesses.

Reaffirming that local control is paramount, Cal Cities holds that cities must retain the authority to regulate all medical and adult use cannabis businesses if the regulation relates to location, operation, or establishment to best suit the needs of the community.

Cal Cities affirms that revenue or other financial benefits from creating a statewide tax structure on medical cannabis should be considered only after the public safety and health ramifications are fully evaluated and addressed.

While the value of cannabis as a physical or mental health treatment option is uncertain, Cal Cities recognizes the need for proactive steps to mitigate the proliferation of unlawful medical cannabis businesses and other access points acting outside state or local regulation.

Cal Cities supports cannabis regulation only to the degree that any such regulatory structure preserves and upholds local control and the police power of local governments pursuant to Article XI, Section 7 of the California Constitution.

Cal Cities opposes policies that prohibit local law enforcement from cooperating with federal authorities on investigations into matters involving violations or other criminal

activity by cannabis licensees, including but not limited to money laundering, sales to minors and diversion.

Graffiti

Cal Cities endorses the “Tag You Lose” anti-graffiti campaign and encourages other cities to implement this program into their existing anti-graffiti programs.

Cal Cities supports increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.

Sex Offender Management

Cal Cities supports policies that will assist local law enforcement with the comprehensive and collaborative management of sex offenders, including tools for tracking the location of sex offenders within local jurisdictions, so long as state-mandated programs provide for full reimbursement to all local agencies.

Corrections

Cal Cities supports constitutional protections for state funded corrections realignment programs, so long as it includes funding for local police department needs. Cal Cities also supports increasing city representation and participation on the Community Corrections Partnerships, who are charged with developing local corrections plans.

Firearms

Cal Cities recognizes that mental illness and firearms form a dangerous combination that threatens public safety. Consequently, Cal Cities supports policies that restrict persons with mental health disorders from possessing or owning a firearm. Cal Cities supports policies that ultimately allow such persons to petition for retrieval of their firearms.

Cal Cities supports local law enforcement agencies retaining the discretion to issue a concealed carry weapon permit, and thereby opposes policies that mandate the issuance of such permits.

Cal Cities supports the honoring of Gun Violence Restraining Orders (GVROs) that are issued by other states.

Miscellaneous

Cal Cities opposes reductions to city authority to regulate needle and syringe accessibility and exchange programs.

Cal Cities asks any company manufacturing or marketing or planning to manufacture or market colored-tread tires in California to voluntarily abandon such a product line and

thereby prevent the public safety, environmental and social problems these tires can potentially cause.

Cal Cities warns those individuals who advocate or perpetrate hate, not to test the cities' resolve to oppose them as each city is encouraged to vigorously pursue a course of investigation, apprehension, prosecution, conviction, and incarceration of all those who participate in hate crimes.

Note: Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

**Public Safety Policy Committee
Legislative Agenda
January 2023**

Staff: Jolena Voorhis, Legislative Representative

1. AB 797 (Weber) Local Government: Police Review Boards.

This measure would require the governing body of each city and county to create an independent community-based commission on law enforcement officer practices by January 1, 2026.

Bill Description:

Specifically, this measure would:

- Require the governing body of each city and county shall, by January 1, 2026, create an independent community-based commission on law enforcement officer practices.
- Each commission shall be comprised of all of the following:
 - An executive director. The executive director shall recruit and recommend selection of independent investigators, legal counsel, and support staff to the governing body of each city and county.
 - Independent investigators.
 - Independent legal counsel. The legal counsel shall not, in other legal matters, concurrently represent the governing body which has employed or contracted with the law enforcement officer under investigation by the commission.
 - Commissioners.
 - Support staff.
- Each commission shall be authorized to do all of the following:
 - Conduct independent investigations of complaints against a police officer or sheriff alleging physical injury to a person, including injuries resulting in a person's death.
 - Issue and enforce compliance of subpoenas compelling production of all evidence and testimony of witnesses a commission may require in the course of its investigations.
- Each commission shall prepare a report after an investigation and include the results of the investigation and a recommended course of action, if any, to be taken by the governing body regarding the law enforcement officer investigated by the commission.

Background:

Under existing law, each law enforcement agency is required to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things.

Each law enforcement agency is also required to establish a procedure to investigate complaints by members of the public against the officers and other personnel of

departments/agencies, and to make a written description of this procedure available to the public. Further, existing law requires each department or agency to keep and maintain these records of complaints and any investigations conducted.

AB 1185 was signed into law and became effective January 1, 2021, which codified the right for counties to create a sheriff oversight board and/or an inspector general and grants the power of subpoena to these entities.

Under this existing law, each county may establish an oversight commission either by action of the board of supervisors or through a vote of county residents. The sheriff oversight board must be comprised of civilians to assist the board of supervisors to supervise the official conduct of all county officers. It is required that the board of supervisors appoint the members of this oversight board, and one chairperson.

The chair of the sheriff oversight board can issue a subpoena or subpoena duces tecum whenever the board deems it necessary or important to examine the following:

- Any person as a witness upon any subject matter within the jurisdiction of the board.
- Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
- Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

The inspector general also has the independent authority to issue a subpoena whenever the board deems it necessary.

There are three models of civilian oversight of law enforcement—investigation-focused models, review-focused models, and auditor/monitor-focused models:

- *Investigation-focused Models or Police Oversight Commissions.* A form of oversight that operates separately from the local police or sheriff's department. While the structure, resources, and authority of these types of agencies can vary among jurisdictions, these agencies are tied together by their ability to conduct independent investigations of allegations of misconduct against police officers.
- *Review-focused Models.* A type of oversight that focuses its work on reviewing the quality of completed internal affairs investigations. Many review agencies take the form of volunteer review boards or commissions and are designed around the goal of providing community input into the internal investigations process. Instead of conducting independent investigations, review agencies may evaluate completed internal affairs investigations, hear appeals, hold public forums, make recommendations for further investigation, and conduct community outreach.
- *Auditor/monitor-focused Agencies.* One of the newest forms of police oversight. While there can be variation in the organization structure of this type of civilian oversight, auditor/monitor agencies tend to focus on promoting large-scale, systemic reform of police organizations while often also monitoring or reviewing individual critical incident or complaint investigations.

There are several cities that have already created either a Police Oversight Commission, Review Boards, or an Independent Police Auditor. Below is a partial list of the cities with some sort of oversight or independent commission.

Police Oversight Commissions (10)

City of Berkeley - [Berkeley Police Accountability Board](#);
City of Anaheim - [City of Anaheim Police Review Board](#)
City of Davis - [Davis Police Accountability Commission](#);
City of Long Beach – [Long Beach Citizen Police Complaint Commission](#)
City of Richmond - [City of Richmond Community Police Review Commission](#)
City of Pasadena - [City of Santa Ana Police Oversight Commission](#)
City of Sacramento - [Sacramento Office of Public Safety Accountability](#)
City of San Diego – [San Diego Commission on Police Practices](#)
City of Santa Ana – [City of Santa Ana Police Oversight Commission](#)
City of Sausalito - [City of Sausalito Citizens Advisory Review Board on Police Matters \(CARB\)](#)

Independent Review (4)

City of Oakland - [City of Oakland Community Police Review Agency](#)
City of Fresno - [City of Fresno Office of Independent Review](#);
City of Novato - [City of Novato Police Advisory and Review Board](#);
City of Riverside - [Riverside Community Police Review](#)

Police Auditor (4)

City of Palo Alto - [City of Palo Alto Independent Police Auditor](#)
City of San Jose - [City of San Jose Independent Police Auditor](#)
City of Santa Cruz - [City of Santa Cruz Independent Police Auditor](#)
City of San Francisco - [City of San Francisco Department of Police Accountability](#)

Fiscal Impact:

Potentially significant fiscal impact and a new unfunded mandate for all cities and counties to establish an independent commission and no exemption for existing commissions. Also, potentially significant costs to hire independent staff for the commissions.

Existing Cal Cities Policy:

Police Use of Force

Cal Cities supports transparency on the part of law enforcement agencies regarding agencies' policies on the use of force.

Cal Cities supports the establishment of minimum state standards on use of force that must be included in all California law enforcement agencies' use of force policies.

Cal Cities supports basic training requirements and guidelines for agencies and law enforcement officers on use of force, including, but not limited to training on the legal standards for use of force, one's duty to intercede, implicit and explicit bias, and alternatives to the use of deadly force.

Cal Cities opposes modifications to the legal standard on use of force; to the extent, such proposed changes elevate the safety risk to law enforcement officers. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.

Cal Cities opposes the limitation of law enforcement discretion to utilize less-lethal tools for dispersing unruly or unlawful crowds.

Staff Comments:

This measure passed the Assembly Public Safety Committee on January 9, 2023, but one of the members requested amendments to provide some sort of exemption for those jurisdictions that have already created a commission. This bill is currently pending in the Assembly Appropriations Committee and needs to pass the Assembly Floor by January 31st in order to continue to move.

Support and Opposition:

Support

California Association of Black Lawyers
California Public Defenders Association
Center for Policing Equity
Earl B. Gilliam Bar Association
National College Players Association
Oakland Privacy
San Diegans for Justice
San Jose State University Black Student Athlete Association
The San Diego Black American Political Association
Wiley Manuel Bar Association

Opposition

Arcadia Police Officers' Association
Burbank Police Officers' Association
California Coalition of School Safety Professionals
California Peace Officers Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Chino
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Deputy Sheriffs' Association of Monterey County
Fullerton Police Officers' Association
Los Angeles County Professional Peace Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Novato Police Officers Association

Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Upland Police Officers Association

Staff Recommendation:

Staff recommends the committee discuss AB 797 and make a recommendation to the Board.

Committee Recommendation:

Board Action:

2. AB 1725 (McCarty) Law Enforcement Settlements and Judgments: Reporting

Bill Description:

This bill would require cities and counties to post financial details about law enforcement use-of-force settlements and judgments on their internet websites, including how much each settlement cost and how the state and municipalities will pay for each settlement.

Bill Description:

Specifically, this measure would:

- Require each municipality, on or before February 1 of each year, to post on its internet website law enforcement settlements and judgments of \$50,000 or more during the previous year resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment, broken down by individual settlement or judgment.
 - Require the municipality to post all of the following information:
 - The court in which the action was filed.
 - The name of the law firm representing the plaintiff.
 - The name of the law firm or agency representing each defendant.
 - The date the action was filed.
 - Whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment; and,
 - If the action has been resolved, the date on which it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff by the city, and, if so, the amount of the payment.
- Require each municipality, on or before February 1, of each year, to post on its internet website all of the following:
 - The total number of settlements and judgments related to improper police conduct during the previous year irrespective of the settlement or judgment amount.
 - The total amount of money paid for cases of improper police conduct.
 - The estimated costs budgeted in the current budget for law enforcement misconduct settlements and judgments, if these costs are included in the municipality's budget.
 - The actual amount of money paid for law enforcement misconduct settlements and judgments in the fiscal year immediately prior to the budget year.
- Require the municipality, if any such settlements or judgments are paid for using municipal bonds, to post on its internet website the amount of the bond, the time it will take the bond to mature, interest and fees paid on the bond, and the total future cost of the bond.

- Require the municipality to post on its internet website any such settlements or judgments that were paid by insurance, broken down by individual settlement or judgment, and the amount of any premiums paid by the municipality for insurance against settlements or judgments resulting from allegations of improper police conduct, as specified.
- Provide that posting requirements shall not be construed to prohibit or interfere with a person from obtaining documents under the California Public Records Act (CPRA).
- Define “municipality” as a city, county, or city and county with a police department or a sheriff’s department.

Background:

Under existing law, the California Public Records Act requires a public agency, when a member of the public requests to inspect a public record or obtain a copy of a public record, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, to do all of the following, to the extent reasonable under the circumstances:

- a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request.
- b) Describe the information technology and physical location in which the records exist.
- c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Under the CPRA there are several exemptions. One of the exemptions is related to law enforcement records which are generally exempt from disclosure to the public. In most instances, the actual investigation files and records are themselves exempt from disclosure, but the CPRA does require local agencies to disclose certain information derived from those files and records.

For example, the names of officers involved in a police shooting are subject to disclosure, unless disclosure would endanger an officer’s safety (e.g., if there is a specific threat to an officer or an officer is working undercover). The type of information that must be disclosed differs depending on whether it relates to, for example, calls to the police department for assistance, the identity of an arrestee, information relating to a traffic accident, or certain types of crimes, including car theft, burglary, or arson. The identities of victims of certain types of crimes, including minors and victims of sexual assault, are required to be withheld if requested by the victim or the victim’s guardian, if the victim is a minor. Those portions of any file that reflect the analysis and conclusions of the investigating officers may also be withheld. Certain information that may be required to be released may be withheld where the disclosure would endanger a witness or interfere with the successful completion of the investigation. These exemptions extend indefinitely, even after the investigation is closed.

In 2021, AB 603 was passed by the Legislature but was vetoed by Governor Newsom. AB 603 also required disclosure of police settlements. The Governor vetoed AB 603 noting that these records are available under the CPRA and noted his concern about the unfunded mandate costs. Cal Cities was opposed to AB 603 and requested a veto from the Governor.

AB 1725 has a few small differences including the amount of settlements required to be disclosed and provides more specificity around the records to be published on websites.

Fiscal Impact:

This bill requires all cities to post settlements on their websites which would be an unfunded mandate and require some staff time to compile.

Existing Cal Cities Policy:

No specific Cal Cities policy but Cal Cities opposed a similar bill in 2021, AB 603. AB 1725 is slightly different but still requires local government to post police settlements on their websites.

Staff Comments:

This measure passed the Assembly Public Safety Committee on the consent calendar and is authored by the Chair of the Assembly Public Safety Committee. This bill is currently pending in the Assembly Appropriations Committee and needs to pass the Assembly Floor by January 31st in order to continue to move.

Support and Opposition:

Support

San Francisco Public Defender
Oakland Privacy
ACLU California Action
Policing Project At NYU Law School

Opposition

No registered opposition

Staff Recommendation:

Staff recommends that the policy committee discuss AB 1725 and recommend a position to the Board.

Committee Recommendation:

Board Action: