



PUBLIC SAFETY POLICY COMMITTEE
Friday, March 22, 2024
10:00 a.m.- 2:00 p.m

Marriott Burbank Airport Hotel
2500 N. Hollywood Way, Burbank

General Briefing

10:00 a.m.

Upon adjournment, individual policy committee meetings will begin.

AGENDA

I. Welcome and Introductions

*Speakers: Chair, Claudia Frometa, Mayor, Downey
Vice Chair, Tessa Rudnick, Mayor, El Cerrito*

II. Public Comment

III. Organized Retail Theft

Informational

*Speaker: Detective Sam Arnold, Los Angeles Police Department,
Commercial Crimes Division*

IV. Legislative Review (Attachment A)

Action

- [AB 1725](#) (McCarty) – Police Settlements
- [AB 2034](#) (Rodriguez) – Crimes: Loitering for the Purpose of Prostitution Offense
Speaker: David Shawver, Mayor, City of Stanton
- [AB 2225](#) (Rodriguez) – Discovery: Emergency Medical Services Review Committee
- [AB 2309](#) (Muratsuchi) – City Attorney: State Law: Misdemeanor

V. Legislative Update (Attachment B)

Informational

Public Safety Priority Update [Retail Theft Bill List](#); [Fentanyl bill list](#)

VI. Adjourn

Next Virtual Meeting: Friday, June 21, 9:30 a.m.-12:30 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 League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.



Public Safety Policy Committee Legislative Agenda

Staff: Jolena Voorhis, Legislative Representative
Zack Cefalu, Legislative and Policy Analyst

1. [AB 1725](#) (McCarty) Law Enforcement Settlements and Judgments: Reporting

Bill Summary:

This measure 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. The following information must be included in the disclosure:
 - 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 which would include claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.
 - 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.
- AB 1725 would also 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 judgements 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:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request.
- Describe the information technology and physical location in which the records exist.
- 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.

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.

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.

Staff Comments:

This measure passed the Assembly Floor on January 25, 2024 and is currently pending in the Senate for assignment.

Support

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

Opposition

None registered.

Staff Recommendation:

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

Policy Committee Recommendation:

Board Action:

2. [AB 2034](#) (Rodriguez): Crimes: Loitering for the Purpose of Engaging in a Prostitution Offense

Bill Summary:

This bill would reinstate the crime of loitering with the intent to commit prostitution that was repealed by SB 357 (2022).

Bill Description:

AB 2034 would reinstate the crime of loitering with the intent to commit prostitution. In addition to reinstating this offense, AB 2034 has the following safeguards:

- Adds that the crime must include behavior with the intent to commit prostitution, preventing the arrest of those not engaged in any activity.
- Narrows the circumstances that an officer must consider before making an arrest.
- Clarify that the clothing of a person does not solely determine whether a person is loitering with the intent to commit prostitution, protecting individuals from harassment based solely on their appearance.
- This bill states that possession of condoms in any amount cannot be the basis for evidence to be used by prosecution or probable cause to make an arrest, as the intent to commit prostitution.

AB 2034 provides that the circumstances that a peace officer shall consider to determine whether a person is loitering with the intent to commit prostitution are as follows:

- The person repeatedly beckons to, stops, engages in conversation with, or attempts any of those actions with passersby or motor vehicles in a manner consistent with the patterns of behavior identified as being indicative of soliciting prostitution.
- The person circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact pedestrians or motorists with the patterns of behavior identified as being indicative of soliciting prostitution.
- Engages in behaviors such as those described above in an area and time that is known for prostitution activity.
- The person has prior convictions of prostitution or any other offense relating to prostitution within five years.

This measure also provides that it is illegal for a person to direct, supervise, recruit or aid another person in committing prostitution, as well collect proceeds earned from acts of prostitution.

Background:

SB 357 (Wiener, 2022) which went into effect on January 1, 2023, repealed the previous law that prohibited loitering with the intent to commit prostitution (Penal Code Section 653.20). The bill's author and supporters sought to repeal this offense due to the subjective nature of its interpretation by law enforcement and subsequent use. Senator Wiener stated that this provision and its enforcement is based on an officer's subjective perception of whether a person is "acting like" or "looks like " they intend to engage in prostitution. Due to its subjective nature, the provision led to discriminatory application of its enforcement against transgender, Black and Brown women, as well as further perpetuates violence towards those engaged in sex work. Further, the criminalized aspects

of engaging in prostitution create a more dangerous environment for the work, increasing trauma and victimization of an already highly victimized population.

Since SB 357 passed, Cal Cities has received reports from some cities regarding an increase in the level of prostitution and human trafficking in their communities. The author of AB 2034 states this repeal had made it more difficult for law enforcement to address prostitution, and to help victims of human trafficking by connecting those victims with diversion resources from prostitution diversion programs.

In addition to being unable to remove highly visible crime of prostitution from city streets, officers are reporting being unable to establish a legal basis to contact potential victims of human trafficking or organized crime. Without the ability to establish contact through reasonable suspicion of loitering to commit prostitution, officers cannot separate these individuals from their "pimps" and ensure their safety or if they are the victims of human trafficking or provide law enforcement information. This creates an easier environment for human trafficking to operate in and further victimizes individuals on the street engaging in prostitution.

Existing Cal Cities Policy

No specific Cal Cities policy exists on prostitution or loitering for prostitution.

Fiscal Impact

AB 2034 would create a new crime and therefore be a new mandate. However, the bill provides that no reimbursement is required by this act pursuant to Article XIII B of the California Constitution because the only costs that may be incurred by a local agency will be incurred because this act creates a new crime.

Support

- California Police Chiefs Association
- California State Sheriffs' Association
- Los Angeles County Police Chief Association
- Los Angeles County Sheriff's Department
- Sacramento County Sheriff Jim Cooper
- Office of the Mayor of the City of Pomona
- Pomona Police Department
- Peace Officers Research Association of California

Opposition

- ACLU
- CAST
- LGBTQ+ Caucus

Staff Recommendation:

Staff recommends that the policy committee discuss adopting policy regarding loitering for prostitution which would allow staff to take positions on AB 2034 and other legislation currently introduced.

Draft Policy:

Cal Cities supports efforts to provide additional tools and language to address prostitution while avoiding re-victimizing vulnerable individuals. This could include reinstating the misdemeanor offense of loitering with the intent to commit prostitution, as long as there are safeguards to ensure that victims can be contacted by law enforcement in a safe and appropriate way and prioritizes access to services instead of incarceration.

Committee Recommendation:

Board Action:

3. [AB 2225](#) (Rodriguez) Discovery: Prehospital Emergency Medical Care Person or Personnel Review Committees.

Bill Summary:

This measure would expand the protection provided to healthcare professionals from having their meetings and conversations being recorded and used as evidence in legal proceedings to also include emergency medical services staff.

Bill Description:

Under existing law, [California Evidence Code Section 1157](#) protects 14 categories of health care professionals that can conduct quality assurance reviews of care without having its content used as evidence in legal proceedings.

These 14 categories of healthcare providers are the following:

- Acupuncturists
- Chiropractors
- Dental hygienist
- Dentists
- Dieticians
- Licensed clinical social workers
- Marriage and family therapists
- Midwives
- Pharmacists
- Physicians
- Podiatrists
- Professional clinical counselors
- Psychologists
- Veterinarians

AB 2225 would add emergency services personnel to the list of professionals that are exempt from disclosure.

Background:

In 1968, the State of California enacted legislation to provide protections from discovery. Since then, more and more health care professions have been added to this protected list over the years, yet emergency medical services (EMS) professionals still have not been placed on this list. These exemptions were provided in recognition of the importance of ensuring full participation and meaningful engagement from health care professionals in the quality assurance review process,

According to the sponsors, a critical aspect of improving the quality of care provided by healthcare workers is the ability to conduct reviews of care to determine how provided care could be improved upon or learn from faults in specific incidents. The protection for those health care workers who engage in these reviews ensures that full and meaningful participation can be achieved to elevate their care to the highest standard.

EMS professionals provide 24/7 care in every county of the state, responding to over 6.4 million calls a year to provide emergency care to Californians. EMS workers, like their other medical professionals' colleagues, wish to actively engage in processes that can ensure improved care delivery to the public such as quality assurance review committees. However, since they are not given protection under the California Evidence Code Section 1157 there is serious concern that information and testimony provided by EMS staff in these proceedings will be used against them in legal discovery.

In order to try to conduct these review committee hearings while still extending some protection to EMS staff, EMS agencies have been conducting these hearings through hospitals and having hospital staff facilitate these meetings.

According to the sponsors, the inability for EMS staff to safely engage in quality assurance reviews is a risk to the public health of Californians and results in EMS care not being elevated to its fullest capacity. Extension of this legal protection would ensure that reviews can be conducted by fellow EMS staff who share the expert knowledge that is crucial to these discussions and that all can confidently participate fully.

Existing Cal Cities Policy

No specific Cal Cities policy exists on either California Evidence Code Section 1157 or providing legal protection to EMS professionals.

Fiscal Impact

No fiscal impact to cities.

Support

Fire Districts Association of California (Sponsor)
California Fire Chiefs Association (Sponsor)

Opposition

Unknown

Staff Recommendation:

Staff recommends that the policy committee discuss AB 2225 and recommend a position to the Board.

Committee Recommendation:

Board Action:

4. [AB 2309](#) (Muratsuchi): City Attorney: State Law: Misdemeanor

Bill Summary:

This measure would allow city attorneys to prosecute misdemeanor offenses without the agreement of the district attorney.

Bill Description:

Under existing law, city attorneys are allowed to prosecute misdemeanor offenses committed in their city with the consent of the district attorney. This bill would remove the consent requirement from the district attorney and allow the city attorney to prosecute misdemeanors on their own authority.

This measure would also require a health officer to report violations of certain beach standards to both the district attorney and the city attorney.

Background:

Current law allows city attorneys in general law cities or chartered cities to prosecute state law misdemeanors if they are provided consent by the county district attorney to do so.

In December 2020, the Los Angeles District Attorney's Office issued a Special Directive 20-07 titled, "Misdemeanor Case Management" which listed certain misdemeanor offenses that will be declined or dismissed before arraignment, unless "exceptions or factors for consideration" exist to proceed. These offenses include:

- Criminal threats
- Disturbing the peace
- Drinking in public
- Driving on a suspended license
- Driving without a valid license
- Drug and paraphernalia possession
- Loitering
- Loitering to commit prostitution
- Minor in possession of alcohol
- Public intoxication
- Resisting arrest
- Trespassing

As a result of this directive, some cities in Los Angeles County that rely on the District Attorney's Office for the prosecution of their misdemeanors have explored avenues of

handling their own prosecutions of misdemeanors by their city attorneys. Currently, around 10 cities in Los Angeles County, comprising around 50% of the population of the county, have the authority for their city attorneys to prosecute misdemeanor cases without the consent of the district attorney. Some cities in the county are not satisfied with the level at which the District Attorney's Office prosecutes for misdemeanor offenses.

Cities such as Manhattan Beach have made previous attempts to gain consent from the district attorney to be able to remove their requirement to have consent to prosecute misdemeanor offenses. In 2022, after a vote of no-confidence in Los Angeles County District Attorney George Gascon, the City of Manhattan Beach reached a joint agreement with the City of Redondo Beach to shift their prosecutorial services for state misdemeanor offenses to Redondo Beach and away from Los Angeles County's District Attorney, but this was rejected by District Attorney's Office. Similar agreements, however, exist as Hermosa Beach has, since 2014, been in the same contract with Redondo Beach that Manhattan Beach proposed.

To address this rejection of their joint agreement, in 2023 Manhattan Beach announced their plans to allow their city attorney to begin to prosecute misdemeanor violations to their municipal code. Offenses such as trespassing, graffiti, illegal shopping carts, public urination, public nuisance and smoking in public can now be prosecuted as misdemeanor violations to the city's municipal code and gives the city the option to arrest offenders.

The sponsor has noted that the inability for cities to be able to prosecute state law misdemeanors can have unintended consequences to the community. Health officers who discover violations of health and safety standards must report these violations to the county's district attorney's if city attorneys cannot prosecute misdemeanors.

Proponents of repealing the consent requirement argue that these city-specific violations would be low priorities for the entire county's district attorney's office, and if cities were allowed to prosecute misdemeanors they would be able to adequately handle these violations as well. This can be further shown as cities with their own ability to prosecute misdemeanors such as Long Beach, Los Angeles, Redondo Beach, Santa Monica, and Hermosa Beach are likely to have better health outcomes following discovery of health and safety violations than cities who rely on the District Attorney's Office.

Existing Cal Cities Policy

No specific Cal Cities policy exists on city attorneys' authority to prosecute misdemeanors without the consent of the district attorney.

Fiscal Impact

Due to the increased responsibilities for the health officer this measure may result in additional costs for local agencies, which the state may be required to reimburse.

Support

City of Manhattan Beach (Sponsor)

Opposition

None Filed.

Staff Recommendation:

Staff recommends that the policy committee discuss AB 2309 and recommend a position to the Board.

Committee Recommendation:**Board Action:**



Legislative Update on Public Safety Priority

Retail Theft

The Legislature and the Governor continue to make addressing retail theft a priority in 2024. Both houses have announced bill packages to address the issue as detailed below. Cal Cities is also a member of the Retail Theft Coalition which is made up of business, labor, law enforcement and local government.

Assembly Package

The Speaker, Assembly Member Zbur and Assembly Member McCarty held a press conference in January announcing major reform legislation – [AB 2943](#) (Rivas and Zbur). In addition, Assembly Member McCarty noted that his spot bill, [AB 1794](#) would be the vehicle for changes to Proposition 47.

[AB 2943](#) would do the following:

- **New penalties.** Creates a new crime of retail theft with intent to sell, punishable for up to one year in county jail for individuals who have stolen over \$950 worth of goods.
- **Aggregation.** Prosecutors can add up the value of different thefts committed in the past three years, and any property possessed by another person acting in concert with the first person to increase penalties.
- **Organized Retail Theft Statute.** Extends the Organized Retail Theft Statute's sunset date until 2031.
- **Multi-jurisdictions.** Provides that theft over the \$950 threshold includes acts committed in multiple jurisdictions.
- **Diversions and supervision.** Allows the courts to divert people convicted of shoplifting and petty theft to collaborative courts or rehabilitation programs instead of probation.
- **Police arrest authority.** Allows police to arrest suspected shoplifters even if they did not physically witness the crime.
- **Fencing and resellers.** The author intends to require larger retailers to periodically report specific theft data and to strengthen laws to prevent stolen goods from being sold online.

Senate Package

Senate Pro-Tem McGuire held a press conference with several members of the Democratic and Republican caucuses being present in February to announce a bi-partisan package on retail theft and fentanyl. For the retail theft bills, 4 major measures were announced:

- [SB 982](#) (Wahab) – *Organized Retail Theft*
This measure would repeal the sunset date of January 1, 2026 for the organized retail theft statute.
- [SB 1144](#) (Skinner) – *Marketplaces: online marketplaces*
This measure requires an online marketplace to verify and certify that each consumer product advertised on its platform by a high-volume third-party seller was produced, procured, purchased, or acquired in a lawful manner. This bill would prohibit an online marketplace from allowing a business or person to utilize its platform or other services if it suspects the business or person is selling stolen goods. The bill would require an online marketplace to alert local, regional, or state law enforcement agencies in California if it suspects that a third-party seller or high-volume third-party seller is selling or attempting to sell stolen goods to a California resident.
- [SB 1242](#) (McGuire) – *Retail Theft*
This bill is currently a spot bill on community corrections but is expected to be changes to a Senator Min bill establishing penalties for those who start fires in order to engage in retail theft.
- [SB 1416](#) (Newman) – *Shoplifting*
This measure is a spot bill and will be the major vehicle for retail theft reform.

Retail Theft Coalition

The Coalition has sent two letters to date with details on the 3 pillars that everyone in the Coalition has agreed upon and details on the nine priority areas of focus in order to comprehensively address the issue of retail theft.

The Coalition is meeting with members of the Legislature with a focus on the members of the relevant policy committees to discuss our efforts.

Staff will provide more updates in-person at the meeting. For a full list of retail theft bills click [here](#).

Fentanyl

The Legislature and the Governor are also focused on addressing the crisis on fentanyl. The Governor's Office is sponsoring legislation to add xylazine also known as tranq to the list of controlled substances. In addition, the Senate has also proposed a package of bills to address this issue.

- [SB 1442](#) and [SB 1468](#) (Ochao-Bogh)
Both of these bills are currently spot bills but are expected to be amended to address fentanyl overdoses.
- [SB 1320](#) (Wahab)
This bill would require plans and insurers to cover medically necessary treatment for mental health and substance use disorders, on the same terms and conditions as other medical conditions.

- [**SB 910**](#) (Umberg)
This bill would require an update to the existing law on drug court programs by requiring them to follow the “Adult Treatment Court Best Practice Standards” developed by All Rise.
- [**SB 1502**](#) (Ashby)
This bill would add xylazine or “tranq” to the list of controlled substances.

For a full list of Fentanyl related bills click [here](#).