



PUBLIC SAFETY POLICY COMMITTEE
Friday, April 3, 2020
9:30am – 12:30pm
Webex Conferencing

Instructions on how to participate in the meeting:

- Connect to the Meeting at:
<https://cacities.webex.com/cacities/onstage/g.php?MTID=e662264fd7d76c265ba634bbe6c7307d6>
- If asked, enter Event Number: 669 779 821
- Enter your Name and Email as indicated above
- Enter Event Password (case sensitive): LCCPSPCW
- Click: JOIN NOW
- The system will present you two audio options: through your computer or calling in on your phone. If you choose the phone option, please be sure to use your attendee ID that is provided by Webex so that we can unmute your phone line during debate.

AGENDA

I. Welcome and Introductions

Speaker: Chair Marty Simonoff, City of Brea

II. Public Comment

III. General Briefing (Handout)

Informational Item

Speaker: Charles Harvey, Legislative Representative, League of California Cities
Written Update from Each League of California Cities Lobbyist

IV. COVID-19 Update (Handout)

Informational Item

Speaker: Charles Harvey, Legislative Representative, League of California Cities

- League of California Cities Resources for Cities [Web page](#)
- 2020/2021 State Budget
- Federal Stimulus

V. Legislative Agenda (Attachment A)

Action Item

- [AB 2598](#) (Bonta) Law Enforcement. Joint Terrorism Task Force

VI. Legislative Update (Attachment B)

Informational Item

Speaker: Charles Harvey, Legislative Representative, League of California Cities

- [AB 2617](#) (Gabriel) Firearms. Prohibited Persons
- [AB 3319](#) (Jones-Sawyer) Code Enforcement Officers. Safety Standards
- Other Bills of Interest

Next Meeting: Friday, June 5, So. San Francisco Conference Center, 255 S. Airport Blvd, South San Francisco

NOTE: Policy committee members should be aware that lunch is served at these meetings. The state's Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials' statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you may reimburse the League.

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.

Informational Items: Any agenda item listed for information purposes may be acted upon by the Policy Committee if the Chair determines such action is warranted and conforms with current League policy. If the committee wishes to revise League policy or adopt new policy for an item listed as informational, committees are encouraged to delay action until the next meeting to allow for preparation of a full analysis of the item.

PUBLIC SAFETY POLICY COMMITTEE
Legislative Agenda
April 3, 2020

1. [AB 2598](#) (Bonta) – Law enforcement agencies. Federal Bureau of Investigation. Joint Terrorism Task Force

Bill Summary:

Assembly Bill 2598 would require a California law enforcement agency, before entering into a Memorandum of Understanding (MOU) with a federal law enforcement agency for participation in the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Force (JTTF), to submit the proposed MOU and any related guidelines to its governing body for approval.

Existing Law:

Under existing law, a city or county is empowered to perform duties, including providing for public safety and law enforcement. A city or county is authorized, either directly or indirectly, to prescribe policies and regulations for law enforcement agencies under its jurisdiction.

Bill Description:

AB 2598 seeks to impose a variety of reporting and public disclosure requirements on state and local law enforcement agencies that enter into a written agreement with a federal law enforcement agency for participation in the FBI's JTTF. Likewise, the bill would require local governing bodies to convene a public forum for the purpose of informing the public about the local law enforcement's participation in the JTTF.

With regard to local law enforcement, the bill would specifically:

- Require a local law enforcement agency that chooses to participate in the FBI's JTTF to do so only in a manner that is fully consistent with the laws of the State of California.
- Require a local law enforcement agency, before entering into an MOU with a federal law enforcement agency for participation in the FBI's JTTF to submit the proposed MOU and any related guidelines to its governing body for approval.
- Require a local law enforcement agency that has entered into an MOU for participation in the JTTF with a federal law enforcement agency, by February 1 of each year, to provide to both the local governing body and Department of Justice a written public report about its JTTF-related activities in the previous calendar year that contains specified information, including but not limited to:
 - The number of local law enforcement officers assigned to the JTTF and the funding source for these officers' salary and overtime.
 - The type of communication, surveillance equipment and technology used by a local law enforcement officer assigned to the JTTF, and the funding source for the equipment.
 - The number of actual or potential violations of state or local laws, policies, department orders or procedures, the actions taken by the California law enforcement agency to address actual and potential violations, and recommendations by the California law enforcement agency to prevent future violations.
 - The name and title of any officer who supervises a local law enforcement officer participating in the JTTF.
 - The frequency with which a local law enforcement officer participating in the JTTF briefs their immediate supervisor within the California law enforcement agency about JTTF cases they are working on.
 - The number of times the federal law enforcement agency asked the local law enforcement agency to assist in assessments, investigations, or other intelligence

- gathering activities and the law enforcement agency declined to assist, and the reason the local law enforcement agency declined to assist the FBI.
- The number of times each of the following occurred:
 - The local law enforcement agency approved the use of local law enforcement undercover agents for JTTF operations.
 - A local law enforcement officer assigned to the JTTF recruited, tasked, or managed informants assigned to terrorism investigations.
 - A local law enforcement officer was assigned to work on a case involving informants in which the United States Department of Justice authorized the informants to engage in otherwise criminal activity.

With regard to city councils and other local governing bodies, the bill would:

- Require the local governing body to post the MOU and any related orders, policies, and procedures available on its website for 90 days prior to holding a public hearing, and, if it is adopted, for 90 days after adoption.
- Require the local governing body, at a regularly scheduled hearing, to provide an opportunity for public comment before adopting the resolution or ordinance.
- Prohibit the local governing body from making the proposed MOU a consent item.
- Require the local governing body of a JTTF-participating law enforcement agency to hold a public forum during the following year in an accessible location, allowing at least 30 days' notice, in order to provide information to the public about the local law enforcement agency's participation in the JTTF and to receive and consider public comment.

With regard to state entities, the bill would:

- Require a state law enforcement agency, before entering into an MOU with a federal law enforcement agency for participation in the FBI's JTTF, to submit the proposed MOU and any related guidelines to the California Department of Justice for approval.
- Require the California Attorney General to post the proposed MOU and all related material on the Attorney General's website and allow at least 90 days to receive and consider public comment before considering the MOU for approval.

Background & Author Statement:

According to the Author:

"The JTTF is an FBI-led partnership between various federal, state, and local law enforcement agencies wherein the FBI cross-deputizes local law enforcement officers to act as federal agents. Many California law enforcement agencies formally participate in the JTTF. These include agencies such as the California Highway Patrol, the Alameda County Sheriff's Department, the Los Angeles Police Department, and the Bay Area Rapid Transit ("BART") police.

In 2008, the Attorney General of the United States released new guidelines that govern the FBI's investigations and the actions of all local law enforcement officers participating in the JTTF. Under these guidelines, FBI agents are allowed to open an assessment, the lowest level of intelligence gathering activity, against anyone they choose, so long as they claim that they are acting to prevent crime, protect national security, or collect foreign intelligence. There is no requirement that such an investigation or intelligence gathering be based on reasonable suspicion.

When conducting assessments, FBI and JTTF agents are authorized to use intrusive investigative tools, such as following the individual day and night, and using an informant to follow the individual and collect information about him or her. The FBI and JTTF have used these intrusive techniques to unjustly target and surveil members of the Arab, Middle Eastern, Muslim and South Asian communities, amongst others, and pursue wrongful prosecutions and convictions against them.

Additionally, every time an FBI or JTTF agent opens an assessment against an individual, the agent is required to collect U.S. person status information about the individual and upload it to a database that Immigration and Customs Enforcement (“ICE”) can readily access. U.S. person status signals to ICE whether an individual is undocumented or not. JTTF agents are also authorized to conduct demographic mapping and civil asset forfeiture, which could violate California laws.

These FBI guidelines are in direct conflict with California’s state and local laws that protect our fundamental civil rights and liberties. Most importantly, Article I, Section 1 of the California state constitution, as interpreted by the California Supreme Court in White v. Davis, 13 Cal. 3d. 757 (1975), and by the California Attorney General in 2007, guarantees every California resident an inalienable right to privacy and bans intrusive surveillance and intelligence gathering practices, such as those which are allowed under the FBI’s standards.

When California law enforcement agencies participate in the JTTF, in most instances they sign a standard Memorandum of Understanding (“MOU”), written by the FBI. Under the terms of the MOU, the FBI gets most of the control over the activities of the local law enforcement officers participating in the JTTF. California law enforcement officers participating in the JTTF must adhere to the FBI’s rules and guidelines, and are not allowed to discuss any aspect of their JTTF cases with their immediate supervisors unless the FBI grants approval.”

About the Joint Terrorism Task Force

The FBI’s Joint Terrorism Task Forces, or JTTFs, are the nation’s front line of defense against terrorism, both international and domestic. They are groups of highly trained, locally based, passionately committed investigators, analysts, linguists, and other specialists from dozens of U.S. law enforcement and intelligence agencies. When it comes to investigating terrorism, they do it all: chase down leads, gather evidence, make arrests, provide security for special events, collect and share intelligence, and respond to threats and incidents at a moment’s notice.

JTTFs serve as a national resource and create familiarity among investigators and managers before a crisis by conducting frequent training to maintain the specialized skills of investigators, analysts, and crisis response teams. JTTFs pool talents, skills, and knowledge from across the law enforcement and intelligence communities into a single team that responds together.

The task forces coordinate their efforts largely through the interagency National Joint Terrorism Task Force, working out of FBI Headquarters, which makes sure that information and intelligence flows freely among the local JTTFs and beyond.

The first JTTF was established in New York City in 1980. Today there are about 200 task forces around the country, including at least one in each of the FBI’s 56 field offices, with hundreds of participating state, local, and federal agencies.¹

Snapshot of U.S. Counterterrorism Landscape

Since the attacks of September 11, 2001, many state and local law enforcement agencies have assumed a critical but unfamiliar role at the front lines of the domestic fight against terrorism. The federal government has encouraged their participation, viewing them as a tremendous “force multiplier” with approximately 800,000 officers nationwide.² Indeed, by collecting and sharing information about the communities they serve, police departments have been able to significantly increase the data accessible to members of the federal intelligence community. At the same time, however, the headlong rush into counterterrorism intelligence has raised questions for participating state and local agencies.

¹ Joint Terrorism Task Forces, <https://www.fbi.gov/investigate/terrorism/joint-terrorism-task-forces>

² U.S. Gov’t Accountability Office, GAO-13-233, Information Sharing: Additional Actions Could Help Ensure That Efforts to Share Terrorism-Related Suspicious Activity Reports Are Effective 32 (2013) <https://www.gao.gov/assets/660/652995.pdf>

While federal agencies operate under the watch of independent inspectors general, there is often no equivalent for state and local information sharing ventures. Based on the provisions of this bill, the author and sponsors seem to indicate that very few local governments have built the kind of oversight structures that should accompany such an expansion of police functions.

The History of the JTTF in San Francisco

In San Francisco, a lengthy February 2011 [report by the San Francisco Human Rights Commission](#) questioned whether San Francisco's association with the JTTF compromised compliance with police policy, which requires reasonable suspicion of criminal activity before monitoring First Amendment-protected activity. Without informing the Police Commission or the public, the police department signed a revised MOU in 2007 that eliminated all provisions ensuring the full application of local rules to those officers participating in the JTTF. The MOU did not become public until 2011.

Serving as a model for the legislation at hand, the San Francisco Board of Supervisors responded by adopting an ordinance that requires local participation in the JTTF to be consistent with state and local privacy laws as well as department policies, procedures, and orders. Also consistent with the proposed legislation, the San Francisco ordinance mandated that any MOU with the JTTF be open to public notice and comment and that the police chief provide annual public reports on the police department's work with the JTTF.

In 2017, the San Francisco police department suspended ties with the FBI's Joint Terrorism Task Force. The announcement was made amid growing concerns of spying on Muslim Americans by the federal Administration.

As of 2018, while there were more than 100 local law enforcement agencies within the 15 counties covered by the FBI's San Francisco field office, only six of those agencies had a permanent officer assigned to the JTTF. Those agencies include the Oakland Police Department, San Jose Police Department, Fremont Police Department, Alameda County Sheriff's Office, Santa Clara County Sheriff's Office and BART police.

Fiscal Impact:

Unknown

Existing League Policy:

None that directly addresses the issues raised in this bill. However, the following policy appears to be most relative to the issues at hand:

- The League 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.³
- The League supports accountability on the part of law enforcement agencies in regard to police surveillance technology and policies, as well as related oversight by local governing bodies, 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.⁴
- Public trust and confidence in government is essential to the vitality of a democratic system and is the reason ethics laws hold public officials to high standards.

³ League Summary of Existing Policy and Principles: Public Safety, Cannabis Regulation, Adopted February 2020

⁴ 2018 League Summary of Existing Policy and Principles, pg. 44 - Public Safety; Law Enforcement

- Laws alone cannot foresee or prevent all actions that might diminish the public's trust in governmental institutions.
- Transparency laws impose the minimum standards of conduct; to preserve public trust, public officials should aspire to conduct that exceeds minimum standards.
- State revisions to laws governing local agency transparency and ethics should address material and documented inadequacies in those laws and have a reasonable relationship to resolving those problems.
- In order to encourage and facilitate compliance with new transparency and ethics requirements, State laws should be internally consistent, avoid redundancy and be mindful of the practical challenges associated with implementation.
- State officials and agencies should aspire to conform to the same level of transparency and ethical behavior as is imposed on local officials and agencies.⁵

Support and Opposition:

Support

Asian Americans Advancing Justice—California (Co-Sponsor)
 Council on American Islamic Relations—California (Co-Sponsor)
 Partnership for the Advancement of New Americans (Co-Sponsor)
 Secure Justice (Co-Sponsor)

Opposition

California Police Chiefs Association (Pending)

Comments:

The proponents of this measure argue that the most significant oversight problem with assigning police officers to JTTFs is that there is no mechanism geared towards ensuring compliance with state and local laws. They further assert that this problem is exacerbated by the fact that rules relating to how police officers should act in the event of a conflict between their federal and state/local obligations are sometimes unknown and almost always unclear. Several municipalities and government reports have supposedly expressed concern that local officers assigned to JTTFs may be asked to engage in activities not permitted under state and local rules.

There is also an ongoing concern that the JTTF structure undermines state and local supervision of personnel and information. The FBI Special Agent in Charge of a JTTF supervises assigned police personnel. These officers, deputized as United States Marshals, must obtain high-level security clearances.⁶ However, because JTTF operations are often classified, police commanders and city officials who commonly do not hold federal security clearances are unable to supervise and oversee the work of their own officers who are detailed to the JTTF.

The anti-JTTF position essentially seeks to prevent any civil liberties infringements and civil rights violations by denying the FBI formal access to local law enforcement resources.⁷ If the FBI cannot coordinate with local police officers, then it cannot induce them to violate state laws that might be more protective of individual rights than federal law. This position, however, seems not to take into account the lessons of the 9/11 intelligence failure.⁸

While proponents maintain that they are not anti-JTTF, the practical implications of some of the provisions of this bill suggest otherwise.

⁵ 2018 League Summary of Existing Policy & Principles, pg. 35 – GTLR; Transparency

⁶ See generally Fed. Bureau of Investigation, U.S. Dep't of Justice, Joint Terrorism Task Force Memorandum of Understanding (MOU), available at http://www.it.ojp.gov/fusioncenterguidelines/joint_terrorism_task_force_mou.pdf

⁷ https://aclu-or.org/sites/default/files/JTTF_Backgrounder_Feb_2011_0.pdf

⁸ We Must Never Forget 9/11 or the Lessons We Learned From It; <https://www.heritage.org/terrorism/commentary/we-must-never-forget-911-or-the-lessons-we-learned-it>

For starters, while calls for transparency are important, the laundry list of information local law enforcement would be required to report on an annual basis is impracticable. For example, local law enforcement's JTTF participation should not be conditioned on whether it publicly discloses the details on the types of surveillance and equipment technology it utilized in an investigation, or the names and titles of those who supervise a JTTF participating officer. This information, even if disclosed after the fact, could potentially be used by actual criminals to avoid capture or otherwise undermine future JTTF investigations.

Likewise, a City Council-held public forum devoted to the inquiry of a municipal police department's participation in a JTTF poses risks of: 1) unintentionally compromising the identity of a participating officer; 2) jeopardizing ongoing or future JTTF-related investigations, and 3) frustrating members of the public due to an agency's inability to share certain information, which may be of interest to the community, but is otherwise deemed classified by the federal law enforcement agency.

If FBI guidelines indeed authorize a variety of intelligence gathering and surveillance activities of certain individuals in the absence of reasonable suspicion, then perhaps this is an area that could be legitimately debated, prompting California law enforcement agencies to take a more nuanced approach when considering the terms of its MOU for participation in a JTTF. At present, proponents have yet to substantiate these purported claims with concrete examples where participating officers have fallen short in adhering to this evidentiary standard.

Given that San Francisco has vacillated in its participation with the JTTF, and Oakland has apparently not been as forthcoming about its activities with the JTTF⁹, the overall acceptance and general effectiveness of these ordinances, on which AB 2598 is based, suggests that this proposed legislation is not ready for statewide application.

Staff Recommendation:

Oppose

⁹ Arab Resource and Organizing Center: Oakland Police Tight-Lipped on Role In Joint Terrorism Task Force
<http://araborganizing.org/oakland-police-tight-lipped-on-role-in-joint-terrorism-task-force/>

PUBLIC SAFETY POLICY COMMITTEE
Legislative Update
April 3, 2020

1. [AB 2617](#) (Gabriel) Firearms. Prohibited Persons.

Bill Summary:

Assembly Bill 2617 would make it an offense to possess a firearm in violation of gun violence restraining order (GVRO) issued by another state. Any violation of this provision would result in a five year ban on purchasing or possessing firearms or ammunition.

Bill Description:

Under current law, a person who owns or possesses a firearm or ammunition with the knowledge that they are prohibited from doing so by a GVRO is guilty of a misdemeanor and is prohibited from purchasing or possessing firearms or ammunition for a five year period.

AB 2617 would clarify that this offense also applies to individuals who are subject to a GVRO issued by an out-of-state jurisdiction.

Background:

According to the Author:

Background: Gun violence restraining orders allow certain, closely related individuals or law enforcement officers to request an order preventing an individual from owning, possessing, or purchasing a firearm for 21 days upon showing an increased risk of perpetuating gun violence. The duration of the order can be extended for up to one or five years.

There are many different types of restraining orders in California law which prohibit the ownership, possession, or purchase of firearms for the duration of the order. Many other states have similar restraining orders. In a study¹ of recent mass shootings, over half of the perpetrators exhibited warning signs before the crime. Recognizing that protection orders can prevent these and other acts of violence, 16 other states² have implemented orders similar to California's GVRO.

Problem: While California has recognized Domestic Violence Restraining Orders and other forms of protective orders from other states, it has not specifically provided that authority to GVROs issued by other states. This means that individuals who have been found by an out-of-state court to pose a dangerous risk of gun violence are able to circumvent a restraining order by moving or travelling to California.

From 2000 to 2015, there were [24,922 firearm homicides and 23,682 firearm suicides](#) in California. GVROs are a key tool to prevent these tragedies by temporarily removing firearms from those most at risk. The ability to enforce these orders and similar orders from other states, however, stops at the state's borders.

¹Ten Years of Mass Shootings in the United States: An Everytown for Gun Safety Support Fund Analysis <https://everytownresearch.org/massshootingreports/mass-shootings-in-america-2009-2019/>

² See 'What are Extreme Risk Laws?' <https://www.bradyunited.org/fact-sheets/what-are-extreme-risk-laws>

[Thirty-five percent of guns traced](#) by law enforcement in California come from out of state. The interdependence of our gun laws and public safety across our state border was shown most recently by the shooting at the Gilroy Garlic Festival. When individuals who purchase weapons from out-of-state or have been identified in other states as posing a risk to public safety are able to avoid restriction by entering California, it is essential that our law enforcement professionals are empowered to enforce out-of-state orders.

Solution: This bill would make it an offense to possess a firearm in violation of a protective order issued by another state. Any violation of this provision would result in a 5 year ban on purchasing or possessing firearms or ammunition. The effectiveness of GVROs and similar protective orders in other states and the continued risk posed by guns purchased in other states shows that it is imperative to ensure that law enforcement is able to enforce these orders regardless of where a person travels.

Fiscal Impact:

Unknown

Existing League Policy:

None that directly addresses the issues raised in this bill. However, the following existing policy appears to be most relative to the issue of GVROs:

- The League supports policies that protect public safety by reducing access to firearms by the mentally ill. The League also supports additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking, and workforce development for ex-offender reentry.³
- The League recognizes that mental illness and firearms form a dangerous combination that threatens public safety. Consequently, the League supports policies that restrict persons with mental health disorders from possessing or owning a firearm. The League supports policies that ultimately allow such persons to petition for retrieval of their firearms.⁴
- The League 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 the League Board of Directors.⁵

Support and Opposition:

Unknown

³ 2019 & 2020 League Strategic Priority #5 – Address the Public Safety Concerns of Cities

⁴ League Summary of Existing Policy and Principles: Public Safety, Firearms, Adopted February 2020

⁵ 2018 League Summary of Existing Policy and Principles, pg. 45 - Public Safety; Violence

2. AB 3319 (Jones-Sawyer) Code Enforcement Officers. Safety Standards

Bill Summary:

Assembly Bill 3319 would provide that governmental entities that employ Code Enforcement Officers must develop safety standards to protect their code enforcement officers.

Existing Law:

Existing law defines the term “code enforcement officer” as a person who is not a peace officer, who has enforcement authority for health, safety, and welfare requirements, and who is authorized to issue citations or file formal complaints, as specified.

Bill Description:

AB 3319 would require each local jurisdiction that employs code enforcement officers to develop and safety standards appropriate for the code enforcement officers employed in their jurisdiction.

Background:

What is Code Enforcement?

Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs."

Code enforcement is a function local governments perform that citizens consider important for accomplishing community goals, such as protecting property values and the environment. Others view code enforcement as an annoying intrusion into the free use of private property. Traditionally, it has been a process whereby local governments use various techniques to gain compliance with duly-adopted regulations such as land use and zoning ordinances, health and housing codes, sign standards, and uniform building and fire codes. In recent years, federal and state regulations governing air and water quality and the transport and storage of hazardous wastes, and requirements for implementing the Americans with Disabilities Act have come into play. Local governments are now obliged to include enforcement of these rules and regulations in the array of responsibilities they assume for protecting the public health and welfare.

Contemporary code enforcement involves local enforcement officials in the job of ensuring compliance with policies, codes, rules, regulations, and permits in a proper, timely fashion within the limits of the law. Consequently, enforcement officials must be fully acquainted with the adoption process and the thinking behind the regulations they enforce as well as the legal limits placed on them. Conversely, those who write the laws must understand the problems particular to enforcement and administration as the codes and regulations are implemented.

In this context the code enforcement official is a unique public servant whose responsibility lies squarely between policy making and the realms of law enforcement and litigation.⁶

According to the Author:

The very nature of code enforcement is to gain the voluntary compliance of individuals who are often completely resistant to that notion. Code enforcement officers are the individuals charged with the duty of dealing effectively and safely with individuals both compliant and non-compliant.

⁶ Excerpt from Code Enforcement – A Comprehensive Approach by Joseph M. Schilling and James B. Hare. © 1994, Solano Press Books; <https://www.caceo.us/page/WhatIsCodeEnforcement>

History has shown that there are individuals who are willing to take and who have taken non-compliance to an extreme, resulting in significantly increased danger to code enforcement officers who are largely under-trained and under-equipped to deal with this increased level of danger. Code Enforcement Officers are routinely threatened, stalked to their home addresses, assaulted, and some have even lost their lives.

This bill will provide that governmental entities that employ Code Enforcement Officers must develop safety standards to protect their code enforcement officers. The bill recognizes that different jurisdictions face different issues, and therefore, affords them the discretion to determine what safety standards are appropriate for their jurisdiction, as opposed to mandating specific standards.

Related Information

The sponsor of the measure, the California Association of Code Enforcement Officers (CACEO), has collected data on threats to code enforcement officers through polling of California jurisdictions and officer safety incident reports collected through CACEO's website. This data alone shows two attempted murders, 25 physical assaults, 18 death threats, 59 threats of harm, 15 incidents of stalking, seven acts of intimidation, five incidents of vandalism or theft of an officer's personal belongings, and six animal attacks.

CACEO's Officer Safety Committee offers [additional resources](#) to both Code Enforcement Officers (CEO) and the general public to increase awareness of the vital role CEOs play in public safety.

Fiscal Impact:

Unknown

Existing League Policy:

None, relative to code enforcement.

Support and Opposition:

Support

California Association of Code Enforcement Officers (Sponsor)
Congress of Racial Equality
International Faith Based Coalition
California Narcotic Officers Association
California College and University Police Chiefs Association

Opposition

Unknown

Additional Bills

Cannabis

AB 1948 (Bonta D) Taxation: cannabis. (Urgency)

AUMA requires the Legislative Analyst's Office to submit a report to the Legislature by January 1, 2020, with recommendations for adjustments to the tax rate to achieve the goals of undercutting illicit market prices and discouraging use by persons younger than 21 years of age while ensuring sufficient revenues are generated for specified programs. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent. This bill would reduce that excise tax rate to 11% on and after the operative date of this bill until July 1, 2023, at which time the excise tax rate would revert back to 15%. The bill would suspend the imposition of the cultivation tax on and after the operative date of this bill until July 1, 2023. The bill would require the bureau, the Department of Food and Agriculture, and the California Department of Tax and Fee Administration to provide the Legislature with reports measuring the success of this bill, as specified.

League Position: Pending

AB 2094 (Jones-Sawyer D) Cannabis: facilities used for unlawful purposes.

Would authorize a licensing authority under MAUCRSA to impose an administrative fine of up to \$50,000 per violation against a person who violates the prohibition on renting, leasing, or making available a building, room, space, or enclosure for the purpose of unlawfully manufacturing, distributing, or selling cannabis. The bill would make each day the violation continues a separate violation for this purpose.

League Position: Pending

AB 2122 (Rubio, Blanca D) Unlawful cannabis activity: enforcement.

Would impose a civil penalty on persons aiding and abetting unlicensed commercial cannabis activity of up to \$30,000 for each violation. The bill would prohibit an action for civil penalties brought against a person pursuant to MAUCRSA from commencing unless the action is filed within 3 years from the first date of discovery of the violation by a licensing authority or a participating agency, whichever is earlier or earliest.

League Position: Pending Support

AB 2437 (Quirk D) Civil actions: statute of limitations.

MAUCRSA imposes a 5-year statute of limitations for a licensing authority to file accusations and to seek a fine against a licensee for noncompliance with MAUCRSA's provisions, except as specified. MAUCRSA also permits a licensing authority, the Attorney General, a district attorney, a county counsel, a city prosecutor, or a city attorney to bring an action for civil penalties against a person engaging in commercial cannabis activity without a license of up to 3 times the amount of the license fee. Current law requires specified actions upon a statute for a penalty or forfeiture to commence within one year. This bill would require the agency bringing the civil action for penalties to do so within three years of discovery of the facts constituting the grounds for commencing the action.

League Position: Pending

AB 2456 (Ting D) Cannabis: model local ordinance.

Would require the Bureau of Cannabis Control to develop a model local ordinance, and to make the model local ordinance publicly available on its internet website.

League Position: Pending

SB 1244 (Bradford D) Cannabis testing laboratories.

Would authorize a licensed testing laboratory to receive and test samples of cannabis or cannabis products from a state or local law enforcement, or a prosecuting or regulatory agency in order to test the cannabis or cannabis products.

League Position: Pending

Drones

AB 1190 (Irwin D) Unmanned aircraft: state and local regulation: limitations.

Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. The bill would also authorize a local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. The bill would also authorize a local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials.

League Position: Support

Emergency Medical Services

AB 1544 (Gipson D) Community Paramedicine or Triage to Alternate Destination Act.

Would establish within the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act until January 1, 2030, the Community Paramedicine or Triage to Alternate Destination Act of 2019. The bill would authorize a local EMS agency to develop a community paramedicine or triage to alternate destination program, as defined, to provide specified community paramedicine services. The bill would require the authority to develop regulations to establish minimum standards for a program and would further require the Commission on Emergency Medical Services to review and approve those regulations.

League Position: Support

AB 2092 (Rodriguez D) Ambulance employees: protective gear and safety equipment.

Would require an emergency ambulance provider to provide each emergency ambulance employee who drives or rides in the ambulance with protective gear and safety equipment to wear during the employee's work shift and to make the protective gear and safety equipment readily available for the employee to use when responding to an emergency call. The bill would also require the emergency ambulance employer to provide training to the emergency ambulance employee on the proper fitting and use of the protective gear and safety equipment. The bill would not apply to the state or a political subdivision thereof.

League Position: Pending

AB 2593 (Boerner Horvath D) Emergency services: first responders.

Would, for purposes of the California Emergency Services Act, define "first responder" as an employee of the state or a local public agency who provides emergency response services, including a peace officer, a firefighter, a paramedic, an emergency medical technician, rescue service personnel, including an open water lifeguard or harbor patrol officer, or an emergency manager.

League Position: Pending

AB 2625 (Boerner Horvath D) Emergency ground medical transportation.

Would require a health care service plan contract or a health insurance policy issued, amended, or renewed on or after January 1, 2021, that offers coverage for emergency ground medical transportation services to include those services as in-network services and would require the plan or insurer to pay those services at the contracted rate pursuant to the plan contract or policy. Because a willful violation of the bill's requirements relative to a health care service plan would be a crime, the bill would impose a state-mandated local program

League Position: Pending

SB 909 (Dodd D) Emergency vehicles.

Current law prohibits any vehicle, other than an authorized emergency vehicle, from being equipped with a siren. Current law requires an emergency vehicle to be equipped with a siren that meets requirements set forth by the Department of the California Highway Patrol. This bill would authorize an emergency vehicle to be equipped with a "hi-lo" audible warning sound and would authorize the "hi-lo" to be used solely for the purpose of notifying the public of an immediate need to evacuate. This bill contains other current laws.

League Position: Pending Support

Firearms

AB 1910 (Bauer-Kahan D) Firearms: prohibited persons.

Would prohibit a person who is granted pretrial diversion from that criminal prosecution for certain offenses, based on a mental health disorder, from owning or possessing a firearm, as specified.

League Position: Pending Support

AB 2206 (Obernolte R) Firearms: concealed carry.

Would authorize a city council or county board of supervisors to declare that city or county to be a jurisdiction in which persons may carry a concealed firearm in compliance with a valid license to carry a concealed firearm that was issued by another state, as specified. The bill would exempt a person from the prohibition on carrying a concealed firearm if they are carrying a concealed firearm in a jurisdiction that has made the declaration above and they are carrying that firearm in compliance with a valid license to carry a concealed firearm that was issued by another state.

League Position: Pending

AB 2235 (Gabriel D) Firearms: gun violence restraining orders.

Current law authorizes a peace officer to issue, if approved by a judicial officer, a temporary emergency gun violence restraining order on an ex parte basis that restrains a person that the officer reasonably believes poses an immediate danger to themselves or another by having a firearm, from possessing a firearm or ammunition. This bill would make technical, nonsubstantive changes to those provisions.

League Position: Pending

AB 2532 (Irwin D) Firearms: gun violence restraining orders.

Current law, commencing on September 1, 2020, authorizes specified individuals, including a law enforcement officer, or a family member, employer, or coworker of a person, to petition the court to issue an order restraining that person from possessing a firearm, as specified, or to

petition the court for the renewal of such an order. This bill would add a district attorney to the list of persons authorized to request the issuance or renewal of these orders.

League Position: Pending

AB 2616 (Gabriel D) Peace officer training: gun violence restraining orders.

Would require the Commission on Peace Officer Standards and Training to develop and implement, on or before January 1, 2022, a course of training for those law enforcement officers regarding gun violence restraining orders. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers on or before January 1, 2022, and would require the course or courses to include specified topics, including the process of filing a petition for a gun violence restraining order and situational training to assist officers in identifying when a gun violence restraining order is appropriate.

League Position: Pending

AB 3127 (McCarty D) Firearms: reports to local law enforcement.

Would, commencing January 1, 2022, require the Department of Justice to notify the relevant local law enforcement agency of each application to purchase a firearm, request to register the acquisition or ownership of a firearm, request to obtain a serial number for a firearm, request to register an assault weapon or .50 BMG rifle, and request for specified weapons permits. Commencing January 1, 2025, the bill would also require the department to notify the relevant local law enforcement agency of each request to purchase a firearm precursor part.

League Position: Pending Support

Gambling

SB 1092 (Galgiani D) Gambling establishments.

Current law prohibits, until January 1, 2023, the governing body and the electors of a city, county, or city and county that has not authorized legal gaming within its boundaries prior to January 1, 1996, from authorizing legal gaming. Current law also prohibits, until January 1, 2023, an ordinance in effect on January 1, 1996, that authorizes legal gaming within a city, county, or city and county from being amended to expand gaming in that jurisdiction beyond that permitted on that effective date. This bill would exclude an increase in the number of tables authorized in existing gambling establishments from the prohibition on expansion of gaming and would explicitly authorize a city, county, or city and county to expand, by ordinance, the number of tables permitted in a gambling establishment.

League Position: Pending Support

SCA 6 (Dodd D) Gambling: sports wagering.

Would authorize the Legislature by statute to authorize and provide for the regulation of sports wagering.

League Position: Pending

Miscellaneous

AB 1958 (Cooper D) State Plan of Flood Control: facilities. (Urgency)

Would prohibit a person from concealing, defacing, destroying, modifying, cutting, altering, or physically or visually obstructing any levee along a river or bypass at any of those specified places, any levee forming part of any flood control plan, or any other facility of the State Plan of

Flood Control, including, but not limited to, any and all associated rights of way, without permission of the board. By expanding the behavior that would be punishable as a misdemeanor, the bill would impose a state-mandated local program.

League Position: Pending Support

AB 2095 (Cooper D) Water theft: enhanced penalties.

Current law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a 2nd violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation. This bill would authorize the legislative body of a city or a county to make, by ordinance, any violation of an ordinance regarding water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified.

League Position: Pending Support

AB 2216 (Chen R) Prohibited weapons: nunchaku.

Current law categorizes certain weapons, including nunchaku, as a generally prohibited weapon, and, except as specified, subjects a person who manufactures, imports, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any nunchaku to imprisonment in a county jail, as specified. Current law also declares nunchaku to be a nuisance and authorizes the Attorney General, a district attorney, or a city attorney to bring an action to enjoin any of the activities stated above. This bill would remove nunchaku from the list of generally prohibited weapons and repeal its designation as a nuisance.

League Position: Pending

AB 2236 (Gabriel D) Peace officer training: hate crimes.

Current law requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a course of instruction and training for specified peace officers on the topic of hate crimes. Current law requires that training to be implemented into the basic course and requires, as specified, all state and local law enforcement agencies to provide the training to all peace officers they employ. This bill would require the basic course curriculum on the topic of hate crimes to include the viewing of a specified video course developed by POST. The bill would also require POST to make the video available via the online learning portal, and would require all peace officers to view the video no later than January 1, 2022.

League Position: Pending Support

AB 2318 (Boerner Horvath D) Human trafficking.

Current law requires specified businesses and establishments, including hotels, motels, and bed and breakfast inns, to post a notice developed by the Department of Justice in clear view of the public and employees that contains specified information on access to help and services for victims of slavery and human trafficking. Current law makes a violation of this requirement punishable by a civil penalty. This bill would also require short-term rentals, as defined, to post that notice.

League Position: Pending Support

AB 2717 (Chau D) Motor vehicles: unattended children: liability.

Would exempt a person from civil liability and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is 6 years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the

removal. The bill would establish procedures that apply to a peace officer or emergency responder under those circumstances, including, but not limited to, requiring the child to be transported to a hospital for treatment.

League Position: Pending

AB 3131 (Diep R) Petty theft: shoplifting: priors. (Urgency)

The Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of money, labor, or property petty theft punishable as a misdemeanor, whenever the value of the property taken does not exceed \$950. Proposition 47 requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny if the value of the property taken does not exceed \$950, to be punished as a misdemeanor. This bill would allow a person who commits shoplifting after having 2 or more convictions for specified crimes to be punished with either a misdemeanor or a felony.

League Position: Pending

SB 1165 (Jones R) Hate crimes: data.

Would require the Department of Justice, when collecting data on hate crimes, to additionally collect data regarding the ZIP Code of where the hate crime took place. The bill would also require the department to create and distribute outreach materials about hate crimes to assist local law enforcement agencies in their efforts to engage the communities they serve, and would require the department to analyze data about hate crimes for trends by region, and to send advisory notices to local law enforcement agencies when it detects hate crime patterns or trends.

League Position: Pending

SB 1203 (Jones R) Law enforcement: homeless outreach teams.

Current law authorizes a county to establish a homeless adult and family multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. Current law authorizes the team to include, among others, housing or homeless services provider agencies, medical personnel, and legal counsel, as specified. This bill would require the Department of Justice, to the extent funding is provided for these purposes, to administer a competitive grant program to enable local law enforcement agencies to establish and operate homeless outreach teams.

League Position: Pending