



2023

Policy Platform

Peace Officer's Research Association of California

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THE PORAC PROMISE:

We will work with you. Regardless of who you are or what party or organization you represent, if you have a genuine interest in improving the law enforcement profession and making a positive impact on public safety outcomes, we want to hear from you.

STATEMENT OF PURPOSE

Our nation is at a critical tipping point. To keep our communities, neighborhoods, and families safe, we must start with the most important premise: nothing is more fundamental to the function of our democracy, to the lives of everyday citizens, than public safety.

California is experiencing a public safety crisis. Law enforcement departments are understaffed, underfunded, and underappreciated. While criminals get slaps on the wrist, officers are being murdered simply for being officers. The normalization of anti-police sentiments and rising crime on our streets have inevitably damaged relationships between police and the communities they serve.

To address these crucial issues, we must understand how California's legislative, budgetary, political, and community history has driven us to this pivotal point for our state's future.

In response to the 2008 recession, public safety budgets were among the first to be cut, and California departments lost 5% of their staff. By 2011, departments lost another 7%, and have yet to recover the funding they need to recruit, hire, train, and retain the right officers for the job.¹

In 2014, California voters passed Prop 47 – reclassifying certain theft and drug possession offenses from felonies to misdemeanors – increasing the total threshold amount for misdemeanors from \$450 to \$950 and increasing the number of disqualifying prior convictions from one to “three or more.” This new law essentially allowed most shoplifting, forgery, petty theft, receipt of stolen property, and more to continue with little or no deterrent, keeping thousands of criminals on our streets and sending the message that crime does pay because there are now no meaningful consequences. These policies have fundamentally deteriorated the quality of life and safety for law-abiding Californians.

Fast-forward to 2020: violent crime spiked across the country, and murders in the U.S. rose nearly 30% from the prior year – the largest single-year increase ever recorded by the FBI.² These challenges were compounded

by intense anti-police backlash following the death of George Floyd that same year. Floyd's death was a tragedy caused by an officer who callously disregarded his training. Training that, if followed, would have likely prevented Floyd's death.

That takes us to where we are today in 2023 – U.S. Bureau of Labor Statistics and Census Bureau data show that police jobs nationally continued to decline by 4% between March 2020 and August 2022 while the rest of the US job market grew by 2% as our economy bounced back from height of the pandemic.³ Rural counties here in California are forced to end daytime patrols due to a lack of recruits and low pay.⁴ And individual and isolated incidents of excessive force continue to tarnish the profession and completely undermine the role of law enforcement in keeping our communities safe.

Tyre Nichols' death in January of 2023 resulted in calls to ban officers from conducting traffic stops entirely. The Legislature enacted traffic laws because they are necessary to keep the public safe. As demonstrated by Prop 47, non-enforcement of these laws will lead to more violations, unsafe streets, and deaths. Enforcing these laws is dangerous and requires highly trained and competent officers. Nichols' death is a wake-up call to increase recruitment and education standards, increase funding for law enforcement training, and increase the resources available to respond to critical situations.

The demonization of officers and exploiting divisions for political ends must stop. As a nation and state, we all must focus on mutual respect and gratitude for the working-class men and women who don the badge. Californians deserve a system where we can all work together, voice our differences, and come to the table with workable, common-sense solutions to enhance public safety and give peace officers the training, resources, and respect they deserve.

As our state and federal elected officials consider legislation needed to improve the practice of community policing, PORAC respectfully offers our experience and knowledge as a resource.

Investing in Our Future: Recruiting, Retaining and Measuring Officer Success to Keep Our Communities Safe

Background:

- In recent years, ‘defund the police’ rhetoric, the COVID-19 pandemic, and other demanding issues have made it increasingly difficult to recruit, hire, train, and retain the right officers for the job. The standards remain high, but while the number of applicants has decreased, retirements and resignations have increased significantly, placing added strain on departments nationwide.
- In June of 2021, the Police Executive Research Forum (PERF) conducted a national survey of police workforce trends and found that from 2020 to 2021, hiring was down 5%, retirements increased by 45%, and resignations increased by 18%.⁵
- As departments struggle to maintain an adequate number of officers, growing anti-police sentiment has helped to create an environment that is placing officers at greater risk. According to FBI data, intentional killings of law enforcement officers reached a 20-year high in 2021.⁶

PORAC’s Position:

- **State and federal policy should focus on recruitment.** An essential step towards restoring trust in law enforcement and keeping our communities safe is to ensure we license, train, and retain the best men and women – but it all starts with recruitment to a complex, demanding, and rewarding career in law enforcement. We must have strong, specific requirements in place that can check for the skills and characteristics we expect of police before they are entrusted to serve our communities. PORAC is calling for:
 - Policies that create higher education opportunities for officers, such as proposals to allow federal Community Oriented Policing Services (COPS) grants to be used for recruits to pursue further education with the requirement that they serve in law enforcement in their community upon completion of their chosen degree program.
 - Raising recruitment standards for applicants seeking a career in law enforcement.
 - More stringent and regular mental health screenings for both prospective and current officers. These screenings must result in approval by a mental health professional before officers can be hired or continue to practice law enforcement.
 - Developing new, holistic methods of measuring successful policing at the local level, which consider the efficacy of police-community interactions. PORAC has always opposed enforcement quotas.
- **Departments must be fully funded** so they can prevent, not just respond to, crime in our communities. Elected leaders on both sides of the aisle agree – it is time to provide the necessary funding and resources to ensure departments can maintain adequate

staffing levels to increase public safety in our neighborhoods, respond to and address the disturbing wave of rising crime, increase hours spent on training, and provide officers with the support they need. PORAC is calling for:

- Increased grant funding at the federal and state levels, without onerous preconditions, to support the most essential functions of recruiting, hiring, training, and retaining the peace officers our communities deserve.
- Legislation, like the federal Invest to Protect Act ([H.R.6448, 117th Congress, 2021-2022](#)), which would authorize a new grant program for smaller police departments. This funding will support smaller agencies that are often left behind by investing in:
 - Efforts to recruit new officers and retain existing officers.
 - Officer safety, de-escalation, and domestic violence response training.
 - Body-worn cameras to hold everyone accountable.
 - Mental health and wellness resources for officers.
- The replication of bipartisan funding proposals like H.R. 6448 at the state level. Strong community partnerships, and the engagement and support of community leaders, can play a pivotal role in recruiting officers and must be prioritized by law enforcement agencies.
- **Diversity, equity, and inclusion must be considered** when recruiting new officers and, to the extent possible, department demographics should mirror those of the communities they serve. As law enforcement departments nationwide seek to increase the legitimacy and efficacy of their engagement with the communities they serve, research has shown that developing personnel rosters that share demographic characteristics with a jurisdiction's service population is an effective strategy.⁷
 - California police departments have long prioritized diversity, equity, and inclusion in their hiring practices. PORAC supports continuing those hiring practices here in California in addition to the establishment of national hiring practices that likewise prioritize recruitment strategies proven to increase cultural competency in community policing.



Crime Prevention & Victims' Rights: First Step Act Implementation

Background:

- Signed into law in 2018, the First Step Act ([S.756, 115th Congress, 2017-2018](#)) sought to reduce the federal prison population and address high recidivism rates. The law created a new and previously untested risk assessment system intended to determine the likelihood of someone reoffending before placing them in early release programs. Unfortunately, the new law is causing unintended, adverse consequences that are harming crime victims and public safety generally.
- While the First Step Act has positive rehabilitative attributes, it must be refined to prevent dangerous criminals from qualifying for early release. Allowing serious offenders back on our streets early and before full rehabilitation is bad public policy.
- While the legislation was well-intentioned, its implementation has prioritized the release of criminals over the safety of our citizens and the adequate rehabilitation of the criminal:
 - According to the April 2022 First Step Act Report⁸ produced by the Department of Justice (DOJ), 9,790 criminals have been released from custody through the program.
 - 1,557 (15.9%) of those criminals were convicted of crimes after being released. Crimes that have been committed post-release include:
 - 297 – Weapons/Explosives
 - 35 – Homicide/Aggravated Assault
 - 50 – Fraud/Bribery/Extortion
 - 92 – Sex Offenses
 - 67 – Robbery
- Public safety is not a numbers game. The victims of the 1,557 re-offending First Step Act criminals are real people who lost loved ones or were otherwise harmed.
- We respectfully pose the question: **“How many families must be hurt; how many Americans need to lose their lives to reduce the prison population? What is an acceptable number?”**

PORAC's Position:

- A 15.9% recidivism rate amongst those criminals who received early release through the First Step Act should be considered a public policy failure. PORAC is calling on Congress to:
 - Conduct a thorough review of the First Step Act's implementation, including rates of recidivism and discussions with the First Step Act victims' families.
 - Consider and enact legislation that significantly narrows the scope of the criminals that can qualify for early release through the First Step Act.
 - Oppose any consideration of a 'Second Step Act' until such time as the United States Department of Justice (DOJ) and Bureau of Prisons (BOP) can demonstrate improved program outcomes.
- PORAC will continue to advocate for improvements to the criminal justice system that are bipartisan, collaborative, and prioritize the expertise of law enforcement professionals in the determination of risks to public safety.

Crime Prevention & Victims' Rights: Combatting Human Trafficking & Supporting Victims in Our Communities

Background:

- Human trafficking occurs all around us. The U.S. Department of State estimates that 14,500 to 17,500 victims are trafficked into the country each year, but that number does not capture victims trafficked within the country.⁹
- The United Nations Office on Drugs and Crime (UNODC) reported that as of 2020, 7 out of 10 victims of human trafficking detected globally are female and 1/3 are children, and has consistently found that the vast majority are sexually exploited through prostitution.¹⁰
- According to the National Human Trafficking Hotline, California is one of the largest sites of human trafficking in the U.S. California has reported more human trafficking than any other state for the last five years and reported 1,334 cases in 2020 alone.¹¹
- Unfortunately, under current California law, human trafficking is defined as a “non-serious” and “non-violent” crime. This also makes human trafficking a “non-strike” offense for purposes of sentencing. The result is that those convicted of human trafficking offenses fall into the same category as other low-level felony crimes such as vandalism, theft, and drug sales, and receive similar sentences that allow them back on the streets in no time.
- Since 2006, there have been 12 different attempts at introducing legislation to classify human trafficking as both a “serious” and “violent” crime. **Every single one was prevented from making it out of committee to a full vote of the legislature.**
- No consensus exists on whether the legalization or decriminalization of prostitution has any bearing on the frequency or volume of human trafficking.¹² Any effort that hinders the ability of law enforcement to question, detain, or interact with individuals suspected of engaging in prostitution, necessarily hinders the detection of human trafficking on our streets and places the lives of victims in greater risk.
 - The public policy interest in protecting the rights of individuals choosing to engage in sex work **must be** less than that of identifying, preventing, and providing relief services to the victims of human trafficking.
- Recent attempts in the California legislature to decriminalize loitering, the offense that allows peace officers to investigate prostitution to determine what, if any, intervention may be necessary, preclude opportunities to combat human trafficking and provide victims with support.

PORAC's Position:

- Human trafficking victims suffer long-term physical and psychological trauma, and the journey back to living free and productive lives is a difficult, uphill battle - one that is made significantly more difficult if peace officers are not afforded the opportunity to investigate. To truly support these victims, we need to ensure they have the resources and care they need to recover and rebuild their lives, but that all

starts with detection. PORAC:

- Supports the re-introduction of legislation ([SB 1042, 2021-2022](#)) to finally classify human trafficking appropriately as both a “serious” and “violent” crime and for the purpose of having such convictions qualify as a strike under the state’s Three Strikes Law.
- Opposes the re-introduction of legislation ([SB 357, 2021-2022](#)) to repeal provisions of the

law classifying loitering with the intent to commit prostitution as a crime.

- PORAC is committed to raising awareness and providing resources to help the public recognize and report suspected human trafficking. We will continue to collaborate with influential victims’ rights groups to increase public awareness around the prevalence of human trafficking and sex abuse, and advocate for resources to help survivors heal and restore their lives.



Protecting Our Most Vulnerable: Prioritizing School Safety

Background:

- The heartbreaking regularity of active shooter events at schools has become a devastating reality for teachers, families, children, and communities across the country. After the tragedy at Columbine High School in 1999, California law enforcement quickly acted to update their tactics and training on how to respond to an active shooter. Unfortunately, similar updates were not adopted nationwide.
- On May 24, 2022, an 18-year-old gunman entered Robb Elementary School in Uvalde, Texas and began shooting. Due to the failure of the Uvalde Police Department to immediately engage the shooter per their training, 19 children and 2 teachers were murdered, and 17 others were wounded.
- In California and in other states, officers are trained to engage with a shooter immediately and not stop until the threat has been neutralized. This ensures that trained members of law enforcement are on the front line drawing fire to themselves and not the shooter's intended targets.
- Having the presence of law enforcement officers or other specially trained public safety volunteers on school campuses will go a long way towards improving the safety of our schools.
- **School Resource Officers (SRO)** are sworn law enforcement officers with highly specialized training that are responsible for safety and crime prevention on school campuses. While their responsibilities are similar to other law enforcement officers, including the ability to make arrests, respond to 911 calls, and document incidents within their jurisdictions, they do so much more. SROs also serve as educators, emergency/crisis managers, first responders, informal counselors, and model the kind of behavior that builds trust and respect between law enforcement and the communities they serve.
 - **The deterrent effect of SROs** is easily overlooked, but no less important. In 2021, the U.S. Secret Service conducted an analysis of 67 averted plots to commit violence on school campuses and found that “in nearly one-third of the cases, an SRO played a role in either reporting the plot or responding to a report made by someone else. In eight cases, it was the SRO who received the initial report of an attack plot from students or others, highlighting their role as a trusted adult within the community.”¹³
 - Concerns over SRO contributions to the school-to-prison pipeline largely reflect the emotional and political context in which some view police in this country and are not supported by data. In fact, the level of collaboration with teachers, parents, school administrators, etc. inherent to the SRO role make it highly unlikely that SROs alone disproportionately refer students committing crimes to the criminal justice system.
 - A 2015 study reviewing three years of youth court from a southeastern state determined that SROs do not disproportionately contribute to the school-to-prison pipeline, finding that “SROs were less likely than law enforcement officers outside of school to refer juveniles for minor offenses during the 3-year period. Our findings suggest that schools, not solely police in schools, make a large contribution to the number of juveniles referred to the juvenile justice system for less serious offenses.”¹⁴

PORAC's Position:

- **PORAC strongly opposes the re-introduction of [SB 1273 \(2021-2022\)](#).** This dangerous bill sought to eliminate the requirement that teachers and administrators notify law enforcement when a student engages in certain unlawful and dangerous behaviors on campus. This bill would have endangered all of our children had it become law, creating substantial impediments to law enforcement's ability to keep our children safe at school and/or criminalize the reporting of unlawful or dangerous behavior to law enforcement.
- **Federal Training Standards.** PORAC is calling for the establishment of a federal minimum standard for use-of-force policies that states can choose to expand upon to help generate greater consistency in the way each state trains officers to respond to these situations. Further, PORAC supports the establishment of a statewide grant program to support the identification, recruitment, and training of current and retired law enforcement professionals to volunteer as School Guardians.
- PORAC supports the expansion of existing California policies to ensure our law enforcement officers are in the best position possible to respond to active shooter or other mass casualty events, including:
 - Allowing for urban and rural departments to develop responses to active shooters tailored to the community and school they serve.
 - Mandating coordinated physical security assessments of schools within local jurisdictions.
 - Standardizing use-of-force policies.
 - Increasing the number of school resource officers and amount of funding available to them.
- Since 2018, PORAC has strongly supported the [Guardian SafeSchool Program](#) as a national model to improve school safety. This program provides for "School Protection Officers (SPO)," who are specifically trained and equipped to protect against active shooter or mass casualty events. SPOs work collaboratively alongside local agencies to complement routine law enforcement activities and are not intended to replace campus security but provide an additional layer of support. The program would provide additional, cost-efficient support to our schools by encouraging highly qualified, specifically trained current and retired law enforcement professionals in good standing to volunteer to patrol schools in uniform to deter potential safety risks.



Peace Officer Rights: Respecting Constitutional Due Process Rights While Holding Officers Accountable

Background:

- As a society, we entrust peace officers with the awesome responsibility of keeping our families and communities safe. Peace officers are therefore held to a higher standard and increased public scrutiny, and they should be.
- In 1977, California became the first state in the nation to enact legislation – [the Public Safety Officers Procedural Bill of Rights Act \(POBR\)](#) – ensuring peace officers receive due process during administrative investigations that could result in disciplinary action. The bill establishes clear procedures that help to maintain stable employer-employee relationships within police departments. POBR is the rulebook for administrative investigations of peace officers in California. It applies to police chiefs, rank-and-file officers, probationary officers, and correctional officers.
- Peace officers require a unique set of rights because, unlike other professions, they are legally required to investigate, discipline, and correct officer behavior. POBR simply ensures that both the officer and employer participate in a transparent review of their actions geared towards creating a positive change in officer behavior. POBR **only applies** to employment-related matters for civilian and internal complaints and **does not apply** to criminal investigations of an officer's use of force.
- Recent efforts in the California legislature have focused on removing the protections POBR has guaranteed for nearly five decades, without proposing any alternative for ensuring fairness in the disciplinary process.

PORAC's Position:

- PORAC supports maintaining POBR as the best and only statewide standard for administrative investigations of peace officers.
- Eliminating the ability to exclude improper evidence will incentivize interrogation violations by eliminating agency accountability. We should not be encouraging any law enforcement investigators to cut corners and violate rights in any context, but rather foster a police culture of respecting people's rights.
- The California Supreme Court has long ago "prohibit[ed] a procedural violation of the act deemed to be without substantive effect, as specified, from being the basis for reversing or modifying discipline of a public safety officer." [Williams v. City of Los Angeles \(1988\) 47 Cal.3d 195, 198.](#)
- PORAC is committed to ensuring that whether you are a police chief or a rookie, the disciplinary process is the same for everyone – keeping only the best serving as officers.

Peace Officer Rights: Qualified Immunity, Emphasis on the “Qualified”

Background:

- Qualified immunity is a judicially created doctrine that protects **ALL** government workers from personal civil liability in federal lawsuits.
- Qualified immunity is **NOT** solely for peace officers. Qualified immunity applies to teachers, social workers, transit workers, librarians, and many more government employees.
- Qualified immunity is a two (2) step inquiry and a court can consider either question first in rendering its decision:
 1. Was there a constitutional violation?
 2. If there was a constitutional violation, was the law clearly established that the officer’s actions constituted a constitutional violation based upon existing case precedent?
- Thus, qualified immunity only shields an officer from an actual violation of a constitutional or legal right when the unlawfulness of the officer’s actions was not “clearly established” at the time.
- In other words, qualified immunity does not apply where case law precedent exists that should have placed the officer on notice that he or she was violating a statutory or constitutional right.
- Qualified immunity balances two important interests — the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.
- Qualified immunity does **NOT** apply to criminal prosecutions.
- Qualified immunity does **NOT** apply to claims brought under state law.
- **Qualified immunity is NOT absolute immunity**, rather, it:
 - Permits officers to perform their duties without fear of constantly defending themselves against personal liability for unsubstantiated and in many cases, frivolous claims for damages.
 - Allows a plaintiff to recover damages for federal statutory and constitutional violations when it would be clear to any reasonable officer that the conduct at issue was unlawful under the particular circumstances.
- Peace officers **CANNOT** hide behind qualified immunity as a defense against legal action. In fact, a 2017 Yale Law Journal article¹⁵ found that out of 979 cases studied in which an officer could have raised qualified immunity as a defense, only 38 (3.9%) of those cases were dismissed based on qualified immunity.
- If we expect our peace officers to continually place themselves in harm’s way by engaging with individuals who have committed crimes and who seek to shift blame for their actions, peace officers must operate with the peace of mind that as long as they are acting in accordance with clearly established law, they will not be penalized for performing their duties.
- To erode or otherwise remove a peace officer’s right to qualified immunity would have a significant chilling effect on the practice of law enforcement, such that officers are disincentivized from responding to calls that may place themselves and others at risk. This will cause hesitation and disincentivize proactive policing that prevents victimization of members of the public and will create situations where fewer officers are patrolling some of the more challenging communities.

- That chilling effect extends to recruitment as well, as the profession could be deemed a risk not worth the reward, a trend we are already seeing take place throughout the country.

PORAC's Position:

- PORAC supports maintaining qualified immunity for all government employees, including peace officers, in its current form.
- PORAC understands elected officials' desire to hold peace officers accountable for misconduct. However, there exists adequate processes, both internally within departments and externally through the courts, for holding peace officers accountable for wrongdoing.
- Efforts to erode or otherwise remove qualified immunity focus on an extremely nuanced and rarely used legal defense that will have little to no impact on public safety outcomes and should be dismissed as distracting from the hard work we need to do to actually improve the practice of law enforcement.



Need for a Holistic Approach: Redefining the Role of Law Enforcement in Addressing Mental Health, Addiction, and Homelessness

Background:

- How and when peace officers respond to calls relating to individuals living with mental illness, drug addiction, or homelessness is one of the most complicated yet overlooked factors in tragic and deadly law enforcement encounters. In the absence of a proactive and comprehensive approach to addressing these crises, law enforcement officers have been forced onto the frontlines of these complex societal challenges.
- Too often, peace officers and community members are put into dangerous situations that require professional mental health assistance. Sadly, some of these situations end in tragedy:
 - According to the National Alliance on Mental Illness, nearly two million individuals with mental health issues are jailed every year.¹⁶
 - In 2015, the Washington Post conducted a tally of officer-involved shooting deaths of the mentally ill and found that mental illness was present in at least 25% of fatal encounters with law enforcement nationwide.¹⁷
 - Out of the 37 total shootings by the Los Angeles Police Department in 2021, “10 of them were during encounters with people experiencing homelessness, and 15 were during encounters with people believed to have a mental illness.”¹⁸ That means roughly 40% of all 2021 LAPD peace officer shootings included a mental health component.
- While many police departments have mental health and social service programs designed to provide the most qualified assistance, we are far from meeting the needs of those community members experiencing mental health or other personal crises.
- That is why PORAC was a strong supporter of the TBI and PTSD Law Enforcement Training Act ([H.R.2992, 117th Congress, 2021-2022](#)), which became law in 2022, and provides \$270 million over five years to reauthorize and strengthen the [Justice and Mental Health Collaboration Program \(JMHCP\)](#). The bill also funds a new police training program to help law enforcement and first responders better recognize and respond to people suffering from traumatic brain injury and post-traumatic stress disorder.
- Unfortunately, despite all the training peace officers receive, they are not equipped to serve as mental health professionals or social workers. And yet, they are forced to occupy those roles because employing agencies have not invested sufficiently in a workable alternative.
- Some cities and counties have begun implementing effective and compassionate “ride along” programs to safely and appropriately pair mental health professionals with law enforcement officers when responding to emergency calls involving a mental health crisis:
 - San Diego: [Psychiatric Emergency Response Team \(PERT\)](#)
 - Nevada County: [Mobile Crisis Team](#)
 - San Mateo County: [Community Wellness and Crisis Response Pilot Project](#)
 - Pleasanton: [Mental Health Response Program](#)
 - Palo Alto & Santa Clara Counties: [Psychiatric Emergency Response Team \(PERT\)](#)
 - Sacramento County: [Mobile Crisis Support Team](#)

PORAC's Position:

- PORAC supports:
 - Initiatives to expand and improve the safety net and support systems for those living with mental illness, drug addiction, and/or homelessness.
 - Programs that establish crisis intervention teams that imbed health care providers with peace officers who can provide safety while medical experts provide care.
 - Efforts to develop specific crisis intervention training tools to manage situations with those who have a traumatic brain or acquired brain injury or post-traumatic stress disorder.
 - The expansion of federal programs like the JMHCP and increased grant funding to support state and local programs that partner law enforcement officers with mental health and social work professionals when interacting with at-risk members of our communities.
 - The establishment of a California statewide grant program mirroring the federal TBI and PTSD Law Enforcement Training Act to increase opportunities for California communities to invest in these programs at the local level.



Transparency and Accountability: Peace Officer Certification

Background:

- We cannot allow officers who commit serious misconduct to continue as members of the law enforcement profession; their certifications must be revoked. Until recently, California was one of only four states without a process for doing so.
- PORAC has advocated for the establishment of a statewide officer certification program to ensure uniformly high standards for eligibility to become and remain a peace officer in California.
- In September of 2021, [SB 2 \(2021-2022\)](#) was signed into law, creating California's first-ever statewide peace officer certification program. The program creates a process for independently investigating incidents of serious misconduct and suspending or revoking an officer's ability to work in law enforcement in appropriate cases.
- While SB 2 is a step in the right direction, the program isn't perfect and the process is rife with opportunities for biased political appointees to exercise outsized influence over the decision to suspend, revoke, or maintain an officer's certification. SB 2:
 - Establishes an Advisory Board whose composition will likely subject peace officers to a biased review of their actions.
 - Contains unclear, subjective, and vague definitions of 'serious misconduct' that could warrant the suspension or revocation of a peace officer's certification.
 - Does not afford officers basic procedural rights during the investigation, such as the right to be represented during questioning or to record the interview.
- The composition of the Advisory Board in California mandated by SB 2 is unlike any other state licensing board because a majority of the Board lack the necessary impartiality and subject matter expertise to fairly and effectively render licensing determinations. No other board allows for an individual to be appointed who has conflicts of interest and proven history of antagonism towards the very profession they are tasked with overseeing, let alone allowing for such individuals to hold a super majority of the board seats.
- Good officers absolutely support the removal of bad officers from the profession. But for the process to work, the men and women who risk their lives every day as peace officers need to know the process is fair. Just as a juror who lacked impartiality based on personal experiences or beliefs would be excused, so should anti-police activists with negative experiences or political opinions towards law enforcement be prevented from holding decertification authority.

PORAC's Position:

- When the actions of any peace officer are found to be grossly inconsistent with the missions and goals of our profession, PORAC supports reporting all such instances to the [Peace Officers Standards and Training Commission \(POST\)](#) as the independent agency responsible

for certifying peace officers.

- PORAC supports the mandatory review of serious misconduct by peace officers and the disqualification, revocation, or suspension of an officer's certification by POST when officers are clearly proven to have engaged in specifically defined categories of serious misconduct as set forth in SB 2.
- PORAC supports the introduction of new legislation to improve the SB 2 decertification program to ensure a more fair and judicious process for reviewing an officer's actions and determining what action must be taken against an officer's certification. PORAC is calling for:
 - An impartial Advisory Board with a requirement for subject matter expertise.
 - Refinement of the definition of serious misconduct so that the definitions are clear to all parties.
 - A requirement that POST take action on a license only after the officer's opportunity for appeal of any disciplinary action has been exhausted so POST can consider the transcripts and records for any administrative or court appeals.
- With regard to peace officers whose state licenses have been revoked, PORAC supports the public identification and public disclosure of the reasons for the revocation.



Transparency and Accountability: Building Trust Within Our Communities

Background:

- “The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior, and the ability of the police to secure and maintain public respect.” – Sir Robert Peel, Principles of Law Enforcement, 1829¹⁹
- Long considered to be the father of modern policing, Sir Robert Peel’s principles are perhaps more relevant today than they were at the time he wrote them almost 200 years ago.
- **“In-Lieu” Separations.** Prior to SB 2 and [SB 16 \(2021-2022\)](#), officers in California could resign or retire (if eligible) “in lieu” of participating in an investigation or receiving disciplinary action related to instances of misconduct. However, such separations are not designated as “in lieu”, and so it’s difficult for agencies to distinguish between innocent officers separating for unrelated reasons. Officers separating to avoid sustained serious misconduct charges were free to apply for employment with other departments, which can only consider the information that is contained in the incomplete investigation.
 - SB 16 requires that the records of any investigation of serious misconduct shall become a public record if the officer resigns prior to the completion of the investigation. SB 2 requires the former employing agency to complete the investigation, even after the officer resigns, so that the POST Commission can decide whether to de-certify the officer.
 - A national standard is needed to ensure investigations of serious misconduct are completed, even after an officer resigns or retires “in lieu.” A single “in lieu” separation by a single officer can undercut years of hard work by an entire department to build trust and repour in their communities and cast a shadow over the relationship between a department and the people they serve.
- **Public Transparency.** Demonstrating the department’s commitment to transparency and accountability will improve the public’s understanding of law enforcement activities and increase the likelihood of more positive public safety outcomes.²⁰ As such, departments must make every effort to address complaints by the public and resolve the issues, while also communicating the process and explaining resolutions publicly in a way that is easily accessible to all. Studies have consistently shown that implementing this procedural justice model of policing promotes citizen cooperation and compliance with the law.²¹
- **Body-Worn Cameras.** PORAC was an early adopter (2009) and at the national forefront in calling for the immediate and widespread use of body-worn cameras (BWC) by peace officers to increase accountability and help enter into the record any evidence of officer innocence or misconduct in relation to complaints by members of the public.
- The research conducted to date on the connection between BWC use and public safety outcomes is promising:²²
 - Officers made more arrests and had fewer complaints lodged against them as compared with officers without BWC and had a higher percentage of citizen complaints resolved in their favor.²³
 - Officers wearing BWC showed a decrease in use-of-force incidents.²⁴
 - Officers wearing BWC exhibited greater caution in carrying out their duties and increased sensitivity to the scrutiny of their superiors in reviewing the footage.

- Officers wearing BWC were more proactive in their policing and were found to have initiated a greater number of contacts with members of their community as compared with officers not wearing BWC.²⁵
- Conversely, where departments allowed for officer discretion in choosing when to use their BWC, use-of-force incidents increased.²⁶
- Unfortunately, the upfront and ongoing costs associated with BWC are prohibitive for many departments. The time and money required to purchase the equipment and train officers to use it, as well as the physical space and costs of storing footage, not to mention the process of responding to discovery requests, all present significant hurdles to the wide-spread adoption of BWC.

PORAC's Position:

- PORAC supports:
 - Thorough background checks into a prospective or current officer's history of disciplinary actions, including completing all investigations, and preventing the use of "in lieu" separations to avoid disciplinary investigation or decertification proceedings by ensuring that any licensing or hiring agency has full access to an officer's entire history.
 - The expansion of state and federal grant programs to subsidize the cost of BWC.
 - Requiring departments and/or agencies to provide written notification to a complaining party as to the status of an ongoing complaint investigation at least every 45 days until final disposition.
 - Requiring county district attorneys who investigate officer-involved shootings to report detailed findings of investigations on their website within 30 days of the conclusion of the investigation.
 - Requiring departments or agencies that employ peace officers to post reports on their websites regarding:
 - Serious uses of force by its officers within 30 days of completing any investigation;
 - Aggregate statistical information on serious uses of force by its officers (at least quarterly); and
 - Procedures for investigating complaints by members of the public against its personnel.
 - Requiring each department to make available for public inspection the rules and procedures that it has adopted for imposing discipline upon its peace officers and providing for the administrative appeal of an adverse decision.
 - Authorizing agencies or departments to establish a mediation program to resolve biased policing complaints, allowing complainants to speak directly to the officer(s) they filed the complaint about under the supervision of a neutral mediator who would determine a course of action.

Raising the Bar: We Need Higher, Consistent Training Standards

Background:

- **There are no federal standards for state and local peace officers.** Recognizing the tremendous responsibility officers have to make split-second decisions with potential life-or-death consequences under incredible scrutiny, we must do more to ensure our officers, both prospective and current, have the mental fitness and emotional empathy to carry out their duties impartially, responsibly, and to the high standards we expect of law enforcement.
- In 2019, California took a comprehensive look at how we could change our policies at the state level to minimize the use of force in our communities — a process that resulted in Governor Newsom signing [SB 230 \(2019-2020\)](#) and [AB 392 \(2019-2020\)](#) into law. These bills:
 - Modernized California’s 200-year-old deadly force justification standards to comport with constitutional standards that deadly force is only to be used when “necessary”, to protect human life, or to prevent the escape of a violent felon who poses a significant risk to the public if not immediately apprehended.
 - Prohibit use of force against individuals who are only a threat to themselves.
 - Codified 4th Amendment based judicial definitions of other important use of force terms, such as imminent, deadly force, and totality of the circumstances.
 - Mandate that every California law enforcement officer receive the most robust training in the nation designed to minimize the use of force.
 - Require every law enforcement officer to adhere to specific, publicly available guidelines for when they are authorized to use force.
 - Require implementation of policies and training on alternative tactics to deadly force, including de-escalation under SB 230 that exceed the justification standards for deadly force in the Penal Code.
 - Establish specific policies across all law enforcement departments requiring proportionality when employing any force, requiring officers to intercede to prevent excessive force, officers must render medical aid, and much more.
 - Set forth standardized and rigorous requirements for reporting all instances when force is used.
 - Establish a standardized national use of force form for the collection of data.
 - Specify that use of force policies and training be considered in legal proceedings.
- As California implements these essential reforms, PORAC encourages federal lawmakers to consider these two California laws as providing a strong foundation for future legislation that could help generate a positive change nationwide.
- Modern policing increasingly requires medical training, particularly interactions with individuals experiencing mental illness and/or drug addiction. On a state and national level, the initial academy training and subsequent annual training received by peace officers is insufficient to appropriately prepare officers to address these issues.

PORAC's Position:

- PORAC supports establishing new, nationwide training standards, reporting requirements, consistent guidelines, and data collection for when officers are authorized to use force, and uniform requirements for de-escalation, an officer's duty to intercede, rendering medical aid, proportional use of force, and more. Training should be annual, in-person, and include:
 - De-escalation tactics and in use of force options only allowable when an officer reasonably believes there is a risk of serious bodily injury or death to themselves or others.
- PORAC supports implementation of a national standard restricting the use of deadly force to be used only when necessary to protect human life or to prevent the escape of a violent felon who poses a significant risk to the public if not immediately apprehended. In addition, PORAC supports provision of sufficient grant funding to support the increased training needed to educate officers on that standard.
- PORAC is committed to working with our elected leaders – local, state, and federal – to implement these meaningful changes.



Supporting the Health & Wellness of Our Officers

Background:

- It is well-documented that police work and trauma go hand in hand (see, e.g., Gershon et al., 2009; Kuhns et al., 2015; Ma et al., 2015; Seigfried-Spellar, 2018; Walter et al., 2019).
 - Throughout their career, peace officers experience 188 critical incidents on average.²⁷
 - Peace officers also average three traumatic experiences for every six months on the job.²⁸
 - There exists a well-established connection between officer exposure to traumatic incidents and increased levels of depression and anxiety.²⁹
 - Peace officers are at a higher risk of suicide than any other profession and the number of officers that die from suicide is three times that of officers killed in the line of duty.³⁰
- Peace officers do not operate in a vacuum. They do their jobs as directed by the elected officials we put in charge. Officers go to work every day in an environment that is increasingly susceptible to influence by individual and geographically isolated incidents of officer misconduct. These incidents have about as much comparative value to the law enforcement profession as do the individual and isolated incidents of medical malpractice to the medical profession.
- And yet, these incidents have an inappropriately outsized impact on the people that choose to serve as peace officers and their ability to carry out their duties safely and effectively. The recent civil unrest has added another stressor to the job.
- A 2021 study published in the American Political Science Review found “that the Floyd protests swiftly decreased favorability toward the police and increased perceived anti-Black discrimination among low-prejudice and politically liberal Americans. However, attitudes among high-prejudice and politically conservative Americans either remained unchanged or evinced only small and ephemeral shifts...the Floyd protests served to further racialize and politicize attitudes within the domain of race and law enforcement in the U.S.”³¹
- You don’t need a PhD to see the damage this has done towards public perception of law enforcement, nor do you need to be a law enforcement officer to appreciate the profound impact on officer recruitment, retirements, mental health, job performance, and public safety outcomes.
- Being a peace officer is both physically and mentally demanding, often leading to early retirement. Unfortunately, this means that officers oftentimes experience insurance coverage gaps until they reach age 65 and qualify for Medicare. While there are a few exceptions to the Medicare qualifying age, there are still no exceptions for public servants or public safety officers.
- Further, officers experience post-traumatic stress disorder and acute stress disorder at higher rates and often need increased support to cope with the effects of these disorders on their health.³² Sadly, the prevalence of mental health stigmatization within the law enforcement profession continues to present a barrier to help-seeking behavior. A 2021 national study of police mental health in the U.S. found that over 90% of officers agree that stigma prevents them from seeking help.³³
- Elected officials have recently introduced legislation, including the Public Safety Officer Support Act ([S. 3635 / H.R. 6943, 117th Congress, 2021-2022](#)) and the Fighting Post-Traumatic

- Stress Disorder Act ([S. 4007 / H.R. 8058, 117th Congress, 2021-2022](#)) to help first responders by establishing mental health programs for

those who face long-term health effects from being on the front lines and keeping our neighborhoods safe.

PORAC's Position:

- PORAC supports:
 - Legislation mandating provision of full medical coverage for officers' mental health treatment with robust privacy protections to overcome the stigma and job security concerns that contribute to lack of treatment.
 - Legislation that would allow retired first responders to buy into Medicare starting at age 57 – lowering the age requirement from 65 – to ensure that we're prioritizing access to the quality and reliable health coverage these public servants earned putting their lives on the line throughout their careers.
 - Increasing federal funding for programs that provide mental health support and other resources for first responders.
 - Repealing both the "Windfall Elimination Provision" (WEP) and the "Government Pension Offset" (GPO) so that first responders who have paid their fair share into Social Security do not face a major reduction in benefits and can preserve their retirement security.
 - The increased use of peer support and wellness programs as a care option for officers grappling with post-traumatic stress injuries (PTSI).

CONCLUSION

Collaboration is not a goal; it is an imperative. Public safety is not enforced; it is achieved. Each one of us has different lived experiences, different identities shaped by who we are, who we love, where we come from, and the belief systems that reinforce our worldview. It is easy to get along with those you agree with. It is easy to draw a line in the sand. But to cross that line and work collaboratively with those you disagree with, despite the political consequences of doing so, that is hard. That takes courage.

If we are to overcome the public safety challenges we face today, we all need to have courage. Law enforcement labor and advocacy organizations like ours need to admit there is room for improvement. Our elected leaders need to stand with law enforcement, always, because crime isn't partisan. "If men were angels, no government [or law enforcement] would be necessary." (Federalist Papers, No. 51). Anti-police activists and organizations need to work with law enforcement in earnest, not as an enemy, but as partners towards progress. In California, we have demonstrated that divergent stakeholders can work together to achieve balanced and workable legal standards for policing.

In order to address the rising crime, homelessness, school safety, political division, and all of the other problems that can seem beyond us at times – we must do so together.

As the preeminent voice for the 76,000 men and women in California law enforcement, and as a national leader with 69 years of experience advocating to improve public safety throughout the country, PORAC makes this promise:

We will work with you. Regardless of who you are or what party or organization you represent, if you have a genuine interest in improving the law enforcement profession and making a positive impact on public safety outcomes, we want to hear from you.

Enacting smart reforms will help improve the practice of community policing. However, smart policies are never effective if not coupled with the resources needed to ensure adequate implementation. We have a real opportunity to find meaningful solutions that can make lasting impacts in the communities we serve. To do so, we need support from our communities and lawmakers to provide the resources and willpower necessary to ensure new policies and programs succeed.

We are at a pivotal moment in our ability to truly keep communities safe. The problems we face have taken decades to develop and will not be solved overnight. PORAC is steadfastly committed to working with stakeholders across the board to find workable policies and solutions that will help our law enforcement agencies to better serve our communities.

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