



PORAC Policy Platform

Charting a New Path Forward



AT THE FOREFRONT: ABOUT PORAC

- PORAC represents more than 77,000 public safety and peace officers across California and is composed of more than 920 public safety associations.
- Founded in 1953 as a federation of state, local, and federal law enforcement associations, PORAC is now the largest such statewide association in the nation.
- PORAC is proud of its history as one of the nation's most forward-thinking and innovative public safety organizations.
- In 1959, just six years after its founding, PORAC became the first association to develop a “peace officers standard setting agency,” now known as the Peace Officers Standards and Training (POST) Commission, which has been implemented across the country.
- In 2009, PORAC became one of the first major law enforcement associations in the nation to offer full support for body-worn cameras (BWC) as a measure to increase accountability to the community.
- Just this last year, PORAC worked with activists, community groups, criminal justice and legal experts, and lawmakers to tackle use of force issues in California, an effort which resulted in a unified solution, and a reasonable use of force standard.



STATEMENT OF PURPOSE

George Floyd was a man in distress crying out for help, and his death should not have happened. We share the devastation and downright anger of the protesters who are peacefully assembling across the country.

As peace officers, our role is to serve and protect — a responsibility that we cannot fulfill without the trust of the communities we have sworn an oath to. When that trust is broken by officers whose actions are inconsistent with the missions and goals of our profession, we too are outraged — and we have a duty to intercede, an obligation to speak out and a moral imperative to hold those officers accountable.

Our nation is at a critical tipping point. While we acknowledge that no legislative or policy solution will solve the pervasive racism in America, our nation has an opportunity to channel this righteous anger into action and lasting change — if we can come together. We know from our experience here in California that enacting legislation to modernize law enforcement is achievable, but it requires genuine listening and collaboration.

As our state and federal elected officials continue the dialogue about legislation needed to improve the practice of community policing, PORAC respectfully offers our experience and knowledge as a resource as we develop the best path forward.

POLICY OBJECTIVES

PORAC firmly believes that policies to improve public safety outcomes should focus on the following objectives:

- Ensuring our law enforcement community is filled with only the best available officers.
- Guaranteeing “bad officers” are barred from law enforcement.
- Increasing balanced transparency, data collection and evaluation practices related to officer interactions, complaints, and use of force.
- Developing a comprehensive approach to addressing mental health, addiction, and homelessness — one that improves outcomes and reduces the burden on law enforcement.
- Aligning the metrics for measuring an officer’s success with the core missions and goals of our profession.

The following policy platform outlines PORAC's immediate recommendations for how we can work together with activists, elected officials, interested stakeholders, and our communities to achieve the objectives.

Establishing National Standards for All Officers

Background:

- There are no federal standards for state and local peace officers. Federal lawmakers should establish such guidelines, allowing states to treat them as the bare minimum or expand upon them.
- We need a clear national standard defining when force can be used, we need national training and recruitment standards to ensure officers are prepared to meet the national standard and carry out their duty to serve responsibly, and we need the funds to implement that standard and training.
- Last year, 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](#) and [AB 392](#) into law. These bills:
 - Raise the standard for when a peace officer is authorized to use lethal force to only justifiable “when necessary in defense of human life.”
 - 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.
 - Establish specific policies across all law enforcement departments requiring de-escalation, an officer’s duty to intercede, rendering medical aid, proportional use of force, and 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.
- While these laws only took effect in January 2020 and will take time to fully implement, we believe they provide a foundation that could help inform the basis for change nationwide.

PORAC’s Position:

- PORAC supports raising the standard for when a peace officer is authorized to use lethal force to only justifiable “when necessary in defense of human life” at the federal level as we did in California.
- PORAC supports establishing new nationwide reporting requirements, higher training standards, uniform 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.

Going Beyond the California Model: Police Licensing and Revocation

Background:

- There is a perception that “bad officers” can simply transfer from agency to agency.
- We cannot allow officers who demonstrate gross misconduct to

continue to be members of our law enforcement community — their licenses must be revoked.

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 an independent certifying agency like the Peace Officers Standards and Training (POST).
- PORAC supports requiring review for potential disciplinary action by an independent certifying agency (POST), including granting the certifying agency the authority to suspend or revoke an

officer’s license to practice law enforcement in the state, for the following specific instances of proven officer misconduct:

- Sustained misconduct for the use of excessive force that resulted in death or serious bodily injury
- Felony convictions or convictions of specified misdemeanors
- Sexual assault
- Job-related dishonesty

Transparency: Shining a Light on Disciplinary Records

Background:

- As it stands now, officers across the country are provided the opportunity to resign in lieu of participating in an investigation or receiving disciplinary action related to instances of misconduct.

- Officers resigning in such a manner are currently free to apply for employment with other departments, which are only able to consider the information that is contained in the incomplete investigation.

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” resignations to avoid disciplinary actions, by ensuring that any hiring department has full access to an officer’s entire history.
- PORAC supports public identification of officers whose licenses to practice law

enforcement in the state are revoked and public disclosure of the reasons for the revocation.

- PORAC supports the use of body worn cameras 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.

Transparency: A Clearer Complaint and Resolution Process

Background:

- While the abovementioned policies would contribute significantly towards creating increased transparency into an officer's history of misconduct, they do not go far enough to ensure that complaints by members of the public and the resulting resolution process are clearly communicated and easily accessible to all.
- That is why PORAC supported [AB 1428](#) in 2017, a comprehensive measure determined to lessen the divide between police and the community by providing reasonable transparency without threatening the safety of officers and their families.

PORAC's Position:

- While AB 1428 unfortunately failed to progress to a full vote by the California state legislature, PORAC continues to support the policies put forward by the bill that would reasonably bring the public into the process of complaint investigations and inquiries regarding officer-involved shootings and serious uses of force. These policies:
 - Require each department or agency to provide written notification to a complaining party as to the status of the ongoing complaint investigation at least every 45 days until final disposition.
 - Require all county district attorneys who investigate an officer-involved shooting to report detailed findings of that investigation on their website within 30 days of the conclusion of the investigation.
 - Require each department or agency that employs peace officers to post reports on its website about serious uses of force by its officers within 30 days of completing any investigation.
 - Require each department or agency to post, at least quarterly, a report on its website containing aggregate statistical information on serious uses of force by its officers.
 - Authorize an agency or department to establish a mediation program to resolve biased policing complaints; this program would allow complainants to speak directly to the officer(s) they filed the complaint about under the supervision of a mediator who would determine a course of action.
 - Require each department to post on its website its procedures for investigating complaints by members of the public against its personnel.
 - Require 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.

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

Background:

- Among the most overlooked factors in tragic and deadly law enforcement encounters are the issues of how and when peace officers respond to calls relating to individuals living with a mental health diagnosis, drug addiction, or homelessness.
- In the absence of a proactive and comprehensive approach to addressing the mental health, addiction, and homeless crises plaguing far too many Americans, law enforcement officers have been forced onto the frontlines of these complex societal challenges.
- The sad reality of this unacknowledged crisis is that, for all the training peace officers receive, we are not equipped to serve as full-time mental health professionals or social workers. Yet we are constantly tasked to do so.
- Too often, peace officers 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.
 - Severe mental illness is present in anywhere from 25-50% of fatal encounters with law enforcement nationwide, and a report from the Los Angeles Police Department found that 37% of all peace officer shootings included a mental health component.
- While many police departments in California and across the country 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.

PORAC's Position:

- PORAC supports initiatives to expand and improve the safety net and support systems for those living with a mental health diagnosis, drug addiction, and/or homelessness.
- PORAC supports establishing and/or

increasing funding for programs that partner law enforcement officers with mental health and social work professionals when interacting with at-risk members of our communities.

Raising the Bar: We Need Higher Training and Recruitment Standards

Background:

- To truly improve public safety outcomes and restore trust in law enforcement, we need to recruit, license, train, and retain

the best men and women for the job — from chiefs and sheriffs down to deputies and junior officers.

- As stated by Jeffrey Fagan, a criminologist at Columbia University, “We want to recruit people who have the capacity for emotional regulation — so they don’t get angry, they don’t see authority challenges as personal challenges, they don’t fall on use of force as the first response to a challenge to their authority. We want people who are good at planning and thinking ahead. We want people who have a capacity to reflect on their own work and update their own work — in other words, learn from their mistakes.”
- Experts agree that we need strong requirements in place that can check for the skills and characteristics we expect of police before they are put in an active situation.
- As we seek to modernize the practice of law enforcement, bringing it in line with our core values as Americans, we need to take a deep dive into the kind of individuals we deem qualified to pursue a career in law enforcement, and what training those prospective officers must

receive before being certified to practice law enforcement in our communities.

- Recognizing the tremendous responsibility officers have to make split second legal determinations with life or death consequences under incredible scrutiny, and the impact those decisions can have, 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.
- Modern policing increasingly requires medical training, including interactions with individuals experiencing mental health conditions and drug addiction. On a state and national level, the academy training and annual training is woefully inadequate given the breadth of duties and expectation placed upon officers.
- It is time for America to raise the bar for recruitment and training standards for all peace officers in every city and state across this country.

PORAC’s Position:

- PORAC supports higher recruitment standards for peace officers.
- PORAC supports a more stringent mental health screening for both prospective and current officers, from top to bottom. The result of these screenings must result in approval by a mental health professional before officers can be hired or continue to practice law enforcement.
- PORAC supports the increased use of peer support and wellness programs as a care option for officers grappling with post-traumatic stress injuries (PTSI).
- PORAC supports implicit and explicit bias training for both prospective and current officers, making sure command staff shall attend and participate in this training.
- PORAC supports hiring practices that seek to mirror the demographics of communities served by individual departments to increase cultural

competency in the practice of community policing.

- PORAC supports training officers in 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 aligning funding for law enforcement departments with the standards we want our law enforcement officers to uphold.
- PORAC supports establishing minimum training standards which include a two (2) year academy where upon the candidate receives their associate degree along with their basic peace officer commission certificate.
- PORAC supports annual in-person training requirements.

- PORAC understands elected officials' desire to ban the use of the carotid restraint following the murder of George Floyd. However, we urge caution in mandating the reduction of non-lethal force options by law enforcement – if we take away all non-lethal force options, we will leave officers with a binary decision to either use deadly force or let a potentially dangerous criminal go free. Neither option

helps to build and maintain trust with the communities we serve.

- PORAC is committed to continuing to work with our elected leaders, local, state, and federal, to implement these meaningful changes, and to ensure that the voice of California law enforcement is part of the conversation, not simply subject to it.

Revised On-the-Job Incentives and New Metrics for Measuring Success

Background:

- Across the country, the use of quotas for determining peace officer performance has been investigated, litigated, and legislated extensively. Yet the practice continues, often overshadowed by more imminent and immediate issues related to the use of force.
- Research demonstrates that police are encouraged to ticket as many people as possible with the explicit goal of raising revenue for the cities and counties they serve. This incentivizes officers to target the most vulnerable with frivolous charges

— this practice must be abolished.

- PORAC has long held that quota systems, either formal or informal under the guise of “targets” or “goals”, have only served to disproportionately impact communities of color and other minority groups. Statistically and historically, these groups and communities have been targeted by command staff attempting to meet frequently arbitrary numbers that are not at all indicative of an officer’s success in keeping the peace.

PORAC’s Position:

- PORAC is calling for the immediate abandonment of all formal and informal quota systems that tie an officer’s success to tickets, arrests, and traffic stops.
- PORAC supports prohibitions on officers policing code enforcement and civil violations, other than traffic enforcement

and providing support to civilian code enforcement when needed.

- PORAC supports the use of alternative standards for measuring officer success tied to positive policing outcomes reported either by an officer or member of the community following an interaction.

In Defense of Qualified Immunity

Background:

- The rationale behind qualified immunity for police officers is three-fold:
 - First, it permits officers to perform their duties without fear of constantly defending themselves against personal liability for unsubstantiated, and in most cases frivolous, claims for damages.
 - Second, it protects the public by limiting a city's or employing agency's liability for defending and indemnifying an officer. Under "Respondeat Superior" principles, public employers are jointly and severally liable for actions of all employees, including but not limited to officers. Therefore, weakening qualified immunity will ultimately lead to an increase in tax dollars needed to defend against unsubstantiated, and in most cases frivolous, claims for damages.
 - Third, it allows a plaintiff to recover damages when an officer's conduct unreasonably violates that person's constitutional or statutory rights of which a reasonable officer would have known.
- Qualified immunity is designed to protect all but the plainly incompetent or those who knowingly violate the law, a desirable outcome for a society that demands our law enforcement respond to all calls, non-violent or otherwise.
- 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 reasonably acting within the 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. This 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, something PORAC believes would significantly decrease the talent pool of prospective officers.

PORAC's Position:

- PORAC supports maintaining qualified immunity for peace officers in its current form.

CONCLUSION

Starting a New Chapter in Policing

Since its inception, law enforcement has been in a constant state of reform. PORAC has a long history of advocating for victims' rights, higher training and recruitment standards, fair trials and parole hearings, the elimination of quotas and more community-based policing — to name a few. We have made progress, but we are also facing new challenges.

We've recently seen huge declines of dedicated men and women wanting to start their careers in law enforcement. In a recent [survey](#) of 10,000 officers, only 7% said they would recommend law enforcement as a career. Law enforcement departments across the county are forced to leave open positions vacant or hire underqualified officers. Police work has always been a dangerous and often thankless job, but the conditions surrounding the job have worsened over time.

We've seen attitudes, tones and aggressions change towards law enforcement. Conversations and deliberations have turned into screaming matches and disrespectful slurs — making a difficult and complicated job even more complex. Disrespect toward law enforcement has become a cultural norm nationwide.

Our nation's law enforcement community has challenges that we must address — but they are challenges that we cannot begin to address if we cannot recruit and retain good men and women into the profession. Collectively, we all must work hard to change the narrative around policing in this country — which will require us to shine a light on the good and rebuild what is broken. We should foster an approach focused on being respectful, courteous, and grateful to those charged with putting their lives on the line to keep our families safe.

What is needed now is a calm and thoughtful dialogue. To make real progress, we must seek counsel from those whose backgrounds, beliefs, and experiences are different from our own, which is why PORAC encourages its members to participate in programs like [Game Changers](#) or [Coffee with a Cop](#) to bring together community members, law enforcement, and diverse stakeholders to discuss community problems and formulate possible, localized solutions. It is through actions and initiatives like these and others that we can help hold ourselves and our communities accountable.

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 challenge ourselves 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.

Peace officers are an integral part of a community, not separate from those we serve. While we may not have the ultimate answer on solving systemic racism or inequality issues in our country, PORAC is committed to finding solutions that better our law enforcement agencies to better serve our communities.