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May 12, 2015

Hon. Kamala D. Harris
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative related to the use of force by police organizations (A.G. File No. 15-0010).

Background

Currently, there are several hundred police agencies in California that provide police services, such as city and university police departments and county sheriff departments. These agencies employ roughly 90,000 officers. State law and local regulations include various provisions related to police and their “use of force”—the physical force that is sometimes used by officers during the course of their work, such as in apprehending individuals for suspected involvement in a crime. For example, under current law, before an individual can be employed as a police officer he or she generally must take a minimum of 568 hours of basic training instruction and 96 hours of testing. The basic training instruction includes 12 hours of training specifically on the use of force. In addition, other instruction and testing required as part of basic training relate to the use of force. For example, basic training requires 60 hours of instruction on arrest and control, which also includes training on the use of force during an arrest. The above training provided to officers is generally paid for by state and local governments. In addition, there are many private security organizations in the state that provide services similar to those provided by public police agencies.

Proposal

State Advisory Panel. This measure creates an 11 member panel appointed by the Governor to recommend changes to statute and regulations related to police actions and training. In particular, the measure indicates that the panel would make recommendations on training for police officers on their use of force. The measure states that the panel shall not include individuals who are members of a “police organization” in California, and that six of the members shall be individuals who have not held an elected office.

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Training for Police Officers. The measure requires that all individuals serving in a police organization undergo training recommended by the panel within one year of the panel making its recommendations. Officers who fail to complete the training within one year would be placed on administrative leave without pay. According to the measure, individuals who have not completed the training would be prohibited from serving in any official police capacity, public or private. (Since the measure does not define what constitutes a police organization or serving in an official police capacity, it is uncertain whether the above requirements would apply to other law enforcement agencies, such as county probation departments.)

Fiscal Effects

The fiscal effects of this measure on state and local governments would depend largely on the recommendations made by the new state advisory panel in regards to any new training requirements for officers. On the one hand, if the panel recommended that little or no new training be required, the costs to train existing police officers would be minimal. On the other hand, if the panel recommended extensive new training, such costs would be significant in the short run as existing officers are trained. The ongoing costs to train new officers would depend on how the new training requirements were incorporated into the existing training curricula for new officers, such as whether the recommended requirements simply replace current training requirements.

Summary of Fiscal Effects. This measure would have the following fiscal effects:

- Fiscal impact would depend on how the measure is implemented. Increased state and local costs for officer training that could be significant particularly in the short-term.

Sincerely,

for Antony M. Ginty
Mac Taylor
Legislative Analyst

for Kan Kropf
Michael Cohen
Director of Finance