

AMENDED IN SENATE JUNE 16, 2022

AMENDED IN SENATE JUNE 13, 2022

AMENDED IN SENATE JUNE 6, 2022

AMENDED IN ASSEMBLY MARCH 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2547

**Introduced by Assembly Members ~~Member Nazarian and Wicks~~
(~~Coauthor: Assembly Member Gabriel~~)**

February 17, 2022

~~An act to add Section 13510.6 to the Penal Code, relating to peace officers.~~ *An act to add Section 13510.6 to the Penal Code, relating to peace officers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2547, as amended, Nazarian. Peace officers: determination of bias.

Existing law establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, to establish a certification for peace officers, and to develop training courses and curriculum for the training of peace officers. Existing law, commencing January 1, 2023, authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer, or has, while employed as a peace officer, otherwise engaged in serious misconduct, which includes demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected

status. Existing law requires each law enforcement agency to be responsible for completing investigations of allegations of serious misconduct of a peace officer.

This bill would require POST to establish a definition of “biased conduct,” as specified, and would require law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias. The bill would also require POST to develop guidance for local law enforcement departments on performing effective Internet and social media screenings of officer applicants.

~~Existing law establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, to establish a certification for peace officers, and to develop training courses and curriculum for the training of peace officers. Existing law, commencing January 1, 2023, authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer, or has, while employed as a peace officer, otherwise engaged in serious misconduct, which includes demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status. Existing law requires each law enforcement agency to be responsible for completing investigations of allegations of serious misconduct of a peace officer.~~

~~This bill would require POST to establish a definition of “biased conduct,” as specified, and would require law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias. The bill would also require POST to develop guidance for local law enforcement departments on performing effective Internet and social media screenings of officer applicants.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13510.6 is added to the Penal Code, to
 2 read:

1 13510.6. (a) (1) *The commission shall establish a definition*
2 *of “biased conduct” that, at a minimum, includes all of the*
3 *following:*

4 (A) *Biased conduct includes conduct resulting from implicit and*
5 *explicit biases.*

6 (B) *Conduct is biased if a reasonable person would conclude*
7 *so using the facts at hand.*

8 (C) *An officer need not admit biased or prejudiced intent for*
9 *conduct to reasonably appear biased.*

10 (D) *Biased conduct may occur in an encounter with the public,*
11 *with other officers, or online, such as conduct on social media.*

12 (2) *Law enforcement agencies shall use the commission’s*
13 *definition of biased conduct in any investigation into a bias-related*
14 *complaint or an incident that involves possible indications of*
15 *officer bias.*

16 (b) *The commission shall develop guidance for local law*
17 *enforcement departments on performing effective Internet and*
18 *social media screenings of officer applicants. The guidance shall*
19 *include, at minimum, strategies for identifying applicant social*
20 *media profiles and for searching for, and identifying, content*
21 *indicative of potential biases, such as affiliation with hate groups.*

22 SECTION 1. ~~Section 13510.6 is added to the Penal Code, to~~
23 ~~read:~~

24 ~~13510.6.—(a) (1) The commission shall establish a definition~~
25 ~~of “biased conduct” that, at a minimum, includes all of the~~
26 ~~following:~~

27 ~~(A) Biased conduct includes conduct resulting from implicit~~
28 ~~and explicit biases.~~

29 ~~(B) Conduct is biased if a reasonable person would conclude~~
30 ~~so using the facts at hand.~~

31 ~~(C) An officer need not admit biased or prejudiced intent for~~
32 ~~conduct to reasonably appear biased.~~

33 ~~(D) Biased conduct may occur in an encounter with the public,~~
34 ~~with other officers, or online, such as conduct on social media.~~

35 ~~(2) Law enforcement agencies shall use the commission’s~~
36 ~~definition of biased conduct in any investigation into a bias-related~~
37 ~~complaint or an incident that involves possible indications of~~
38 ~~officer bias.~~

39 ~~(b) The commission shall develop guidance for local law~~
40 ~~enforcement departments on performing effective Internet and~~

- 1 ~~social media screenings of officer applicants. The guidance shall~~
- 2 ~~include, at minimum, strategies for identifying applicant social~~
- 3 ~~media profiles and for searching for, and identifying, content~~
- 4 ~~indicative of potential biases, such as affiliation with hate groups.~~