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SB-882 Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement. (2021-2022)

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Date Published: 10/03/2022 02:00 PM

Senate Bill No. 882

CHAPTER 899

An act to amend Section 12525.2 of the Government Code, and to add and repeal Section 13016 of the Penal Code, relating to law enforcement.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 882, Eggman. Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement.

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.

This bill would, upon appropriation by the Legislature, create the Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement, under the Department of Justice, to, among other things, evaluate existing training for peace officers specific to interactions between law enforcement and individuals with intellectual and developmental disabilities. The bill would require the council to be composed of 9 members, appointed by the Governor, Senate Committee on Rules, and Speaker of the Assembly, including an individual with an intellectual or developmental disability and a representative from a law enforcement organization. The bill would require the council to meet quarterly beginning July 1, 2023, and would require the council to submit a report including recommendations to the Legislature for improving outcomes of interactions with both individuals who have an intellectual or developmental disability and mental health conditions, as specified. The bill would repeal these provisions as of July 1, 2026.

Existing law requires each law enforcement agency to report specified use of force incidents to the Department of Justice and requires the Department of Justice to annually publish a summary of those incidents, as specified.

This bill would require these reports to include whether an officer perceived a civilian involved in an incident had a developmental, physical, or mental disability. The bill would also require these reports to include additional information, including the reason for contact and the injuries sustained, as specified. By imposing new duties on law enforcement agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12525.2 of the Government Code is amended to read:

12525.2. (a) Each law enforcement agency shall monthly furnish to the Department of Justice, in a manner defined and prescribed by the Attorney General, a report of all instances when a peace officer employed by that agency is involved in any of the following:

- (1) An incident involving the shooting of a civilian by a peace officer.
- (2) An incident involving the shooting of a peace officer by a civilian.
- (3) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
- (4) An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

(b) For each incident reported under subdivision (a), the information reported to the Department of Justice shall include, but not be limited to, all of the following:

- (1) The gender, race, and age of each individual who was shot, injured, or killed.
- (2) Whether the officer perceived the civilian had a developmental, physical, or mental disability.
- (3) The date, time, and location of the incident.
- (4) Whether the civilian was armed, and, if so, the type of weapon.
- (5) The type of force used against the officer, the civilian, or both, including the types of weapons used.
- (6) The number of officers involved in the incident.
- (7) The number of civilians involved in the incident.
- (8) The reason for contact.
- (9) The reason for using force.
- (10) The injuries sustained.
- (11) If any medical aid was rendered.
- (12) If the officer observed signs of any of the following:
 - (A) Mental, physical, or developmental disability.
 - (B) Drug or alcohol impairment.
 - (C) Erratic behavior.

(c) Each year, the Department of Justice shall include a summary of information contained in the reports received pursuant to subdivision (a) through the department's OpenJustice Web portal pursuant to Section 13010 of the Penal Code. This information shall be classified according to the reporting law enforcement jurisdiction. In cases involving a peace officer who is injured or killed, the report shall list the officer's employing jurisdiction and the jurisdiction where the injury or death occurred, if they are not the same. This subdivision does not authorize the release to the public of the badge number or other unique identifying information of the peace officer involved.

(d) For the purposes of this section, the following terms are defined as follows:

- (1) "Developmental disability" has the same meaning as in Section 4512 of the Welfare and Institutions Code.
- (2) "Mental disability" has the same meaning as "serious mental disorder" in Section 5600.3 of the Welfare and Institutions Code.

(3) "Physical disability" has the same meaning as in Section 12926 of the Government Code.

(4) "Serious bodily injury" means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

SEC. 2. Section 13016 is added to the Penal Code, to read:

13016. (a) For the purposes of this section, the following terms are defined as follows:

(1) "Council" means the Advisory Council on Improving Interactions between People with Intellectual and Developmental Disabilities and Law Enforcement.

(2) "Intellectual and Developmental Disability" has the same meaning as "developmental disability" in Section 4512 of the Welfare and Institutions Code.

(b) Upon appropriation by the Legislature, the Advisory Council on Improving Interactions between People with Intellectual and Developmental Disabilities is hereby created under the jurisdiction on the Department of Justice.

(c) The council shall consist of nine members, appointed by the Governor, Senate Committee on Rules, and Speaker of the Assembly, as follows:

(1) One person with an intellectual or developmental disability appointed by the Senate Committee on Rules.

(2) One parent or family member of a person with an intellectual or developmental disability appointed by the Governor.

(3) One representative from an advocacy organization that represents the intellectual and developmental disability community appointed by the Senate Committee on Rules.

(4) One representative from an advocacy organization that represents the mental health community appointed by the Speaker of the Assembly.

(5) One representative from the State Department of Developmental Services appointed by the Governor.

(6) One representative from the Association of Regional Center Agencies appointed by the Governor.

(7) One representative from a law enforcement organization appointed by the Speaker of the Assembly.

(8) One representative from the Commission on Peace Officer Standards and Training appointed by the Governor.

(9) One representative from a labor organization that represents county behavioral health, independent in-home personal care, or intellectual and developmental disability service providers appointed by the Governor.

(d) The appointment of members to the council shall ensure, to the greatest extent possible, that the membership of the council is representative of the ethnic, cultural, age, gender, sexual orientation, and disability diversity of the state, and all of the geographic areas of the state, including rural areas. Once all members are appointed, or no later than July 1, 2023, the members shall collectively appoint a chair.

(e) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred specific to serving on the council.

(f) The Attorney General's Office shall provide a staff member to coordinate and support the council and assist with implementing the council's recommendations.

(g) The council shall meet quarterly beginning July 1, 2023, and submit a report, with recommendations for improving outcomes of interactions between people with intellectual and developmental disabilities and mental health conditions, and law enforcement, to the Legislature within 24 months of the first convening. The report submitted to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(h) Duties of the council shall include, but are not limited to, the following:

(1) Evaluation of the existing training for peace officers specific to interaction with the intellectually and developmentally disabled community. The evaluation shall include all types of training, including, but not limited to, instruction received in basic academy, on-going and mandatory training, including in-person, classroom-based, web-based, and field training.

(2) Evaluation of the existing training for peace officers specific to interaction with individuals with mental health disorders. The evaluation shall include all types of training including, but not limited to, instruction received in basic academy, on-going and mandatory training, including in-person, classroom-based, web-based, and field training.

(3) Identification of gaps in peace officer training specific to interactions with individuals who have an intellectual or developmental disability.

(4) Identification of gaps in peace officer training specific to interactions with individuals who have a mental health disorder.

(5) Make recommendations to the Legislature for improving outcomes of interactions with both individuals who have an intellectual or developmental disability and mental health conditions.

(i) This section shall remain in effect only until July 1, 2026, and as of that date is repealed.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.