

Date of Hearing: August 5, 2020

Counsel: Nikki Moore

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

SB 480 (Archuleta) – As Amended July 27, 2020

As Proposed to be Amended in Committee

SUMMARY: Prohibits a state and local law enforcement agency from authorizing or allowing its employees to wear camouflage, or any uniform that is substantially similar, as defined, to any uniform of the United States Armed Forces or state active militia. Specifically, **this bill:**

- 1) Declares that a uniform is “substantially similar” if it “so resembles an official uniform of the United States Armed Forces or state active militia as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the United States Armed Forces of state active militia.”
- 2) States that a uniform is not substantially similar if it includes at least two of three components: 1) a band or star facsimile mounted on the chest area, 2) a patch on one or both sleeves displaying the insignia of the employing agency or entity, and 3) the word “Police or Sheriff” prominently displayed across the back or chest area of the uniform.
- 3) States that this section applies to personnel who are assigned to uniformed patrol, uniformed crime suppression, or uniformed duty at an event or disturbance, and not to members of a swat team, sniper team, or tactical team engaged in a tactical response or operation.

EXISTING LAW:

- 1) Prohibits a law enforcement officer or any other person from wearing a uniform that is substantially similar to the official uniform of members of the California Highway Patrol (CHP) except duly appointed members of the CHP and persons authorized by the commissioner to wear such uniform in connection with a program of entertainment. Provides that a uniform shall be deemed substantially similar to the uniform of the CHP if it so resembles such official uniform as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the CHP. (Veh. Code, § 2261.)
- 2) Makes it a misdemeanor for a person to wear the uniform of a peace officer while engaged in picketing, or other informational activities in a public place relating to a concerted refusal to work, whether or not the person is a peace officer. (Pen. Code, § 830.95.)
- 3) Makes it a misdemeanor for a person to fraudulently claim, or present themselves to be a veteran or member of the Armed Forces of the United States, the California National Guard, the State Military Reserve, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, with the intent to obtain money, property, or other tangible benefit. (Pen. Code, § 532b, sub. (b).)

- 4) Makes it a misdemeanor for a person, other than an officer or member of a fire department, to willfully wear, exhibit, or use the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department or the Office of the State Fire Marshal. (Pen. Code, § 538e, sub. (a).)
- 5) Requires, commencing January 1, 2020, the Commission on Peace Officer Standards and Training and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. (Pen. Code, § 13650.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “SB 480 seeks to protect our service members, law enforcement officers, and civilians by ensuring that there are clear identifying features on police uniforms that distinguishes them from the military and prohibits the use of camouflage unless it is being worn by tactical teams. In light of the recent protests, it has been made clear that the uniforms of our local law enforcement agencies bear a striking resemblance to those of the United States Armed Forces. In these cases, it is not only easy for civilians to confuse the uniforms which can cause problems for our State National Guard whose presence had been requested by mayors across the state to support law enforcement, but studies suggest these visuals can also send a wrong message of aggression.

“SB 480 would ensure there are identifying features on law enforcement uniforms to prevent any further confusion between our United States military and police departments in order to protect the public, our police officers, and our men and women in uniform.”

- 2) **National Guard Recently Deployed to California Cities:** The streets of Bay Area, Sacramento, Los Angeles, San Diego, and other cities across the state have recently been occupied by the National Guard as protests over George Floyd’s killing dominated the streets. State and local law enforcement officers were also heavily deployed on the streets, prior to and after the National Guard presence. Similar scenes played out across the country.

At the same time, there have been reports across the country that state and local law enforcement officials have been wearing military-presenting uniforms. “I see officers from @MenloParkPD, @SMCSheriff, @SanMateoPD, @HillsboroughPD and others. They have batons out and have zip ties, tear gas and flash bangs in their kits. Some in the background from the sheriff’s office are decked out in camo.” (See <https://twitter.com/aldot29/status/1268007934308442112>, last accessed July 24, 2020.)

The author cites to an article discussing the psychological effect of law enforcement officers wearing military-like fatigues: “When we dress our police officers in camouflage before deploying them to a peaceful protest, the result will be police who think more like soldiers. This likely includes heightening their perception of physical threats, and increasing the

likelihood that they react to those threats with violence. Simply put, dressing police up like soldiers potentially changes how they see a situation, changing protesters into enemy combatants, rather than what they are: civilians exercising their democratic rights.” (See Geordie McRuer, *Cops’ Deadly Identity Problem: How Police Officers’ Military Uniforms Affect Their Mental State*, Salon, Sept. 12, 2014, available at https://www.salon.com/2014/09/12/cops_deadly_identity_problem_how_police_officers_military_uniforms_affect_their_mental_state/.)

This bill would prohibit the use of camouflage fatigues by state and local law enforcement officers, and also uniforms that appear substantially similar to military uniforms, in responding to events and protests.

- 3) **Argument in Support:** According to the *Los Angeles County Sheriff’s Department*, “The Los Angeles County Sheriff’s Department does not allow the use of uniforms substantially similar to the armed forces to be used by our members of uniformed patrol, crime suppression, or uniformed duty at an event or disturbance.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
Los Angeles County Sheriff’s Department

Opposition

None

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