
UNFINISHED BUSINESS

Bill No: SB 480
Author: Archuleta (D)
Amended: 8/25/20
Vote: 21

PRIOR SENATE VOTES NOT RELEVANT

ASSEMBLY FLOOR: 57-13, 8/30/20 - See last page for vote

SUBJECT: Law enforcement uniforms

SOURCE: Author

DIGEST: This bill prohibits law enforcement agencies from authorizing employees to wear a uniform that is made from camouflage material or a uniform that is substantially similar to a uniform of the U.S. Armed Forces or state active militia.

Assembly Amendments delete the content of the bill and replace it with new provisions detailed below.

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.)

This bill:

- 1) Specifies that a department or agency that employs peace officers shall not authorize or allow its employees to wear a uniform that is substantially similar to any uniform of the United States Armed Forces or state active militia.
- 2) Provides that a department or agency that employs peace officers shall not authorize or allow its employees to wear a uniform that is made from a camouflage printed or patterned material.
- 3) Specifies 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 or state active militia. A uniform shall not be deemed to be substantially similar to a uniform of the United States Armed Forces or state active militia if it includes at least two of the following

three components: a badge or star or facsimile thereof mounted on the chest area, a patch on one or both sleeves displaying the insignia of the employing agency or entity, and the word “Police” or “Sheriff” prominently displayed across the back or chest area of the uniform.

- 4) Provides that this bill applies to personnel who are assigned to uniformed patrol, uniformed crime suppression, or uniformed duty at an event or disturbance, including any personnel that respond to assist at a protest, demonstration, or similar disturbance. It does not apply to members of a Special Weapons and Tactics team, sniper team, or tactical team engaged in a tactical response or operation.

Comments

Recent months have seen a series of incidents across the nation that have led to protests and unrest. As a result, law enforcement and the military have been deployed to quell unrest. There has been a mix of local, state, and national law enforcement and military presence.

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_of_ficers_military_uniforms_affect_their_mental_state/.)

This bill prohibits 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, likely minor costs to state law enforcement agencies to update policies regarding uniforms, specifically prohibiting camouflage.

SUPPORT: (Verified 8/24/20)

California Public Defenders Association
Los Angeles County Sheriff's Department

OPPOSITION: (Verified 8/24/20)

None received

ARGUMENTS 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."

ASSEMBLY FLOOR: 57-13, 8/30/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Chu, Cooley, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Lackey, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Waldron, Weber, Wood, Rendon

NOES: Bigelow, Brough, Choi, Cunningham, Megan Dahle, Diep, Flora, Fong, Kiley, Mathis, Obernolte, Patterson, Petrie-Norris

NO VOTE RECORDED: Chen, Cooper, Eggman, Frazier, Gallagher, Gray, Mayes, Voepel, Wicks

Prepared by: Gabe Caswell / PUB. S. /
8/31/20 0:48:55

**** END ****