

## ASSEMBLY THIRD READING

AB 958 (Gipson)

As Amended May 24, 2021

Majority vote

**SUMMARY**

Requires all law enforcements agencies to maintain a policy that prohibits participation in a law enforcement "clique" and makes a violation of that policy grounds for termination.

**Major Provisions**

- 1) Defines "law enforcement agency" to mean any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as specified, that provides uniformed police services to the public.
- 2) Defines "law enforcement clique" means a group of peace officers within a law enforcement agency that engage in a pattern of rogue on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating evidence, destruction of evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.
- 3) States that each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement clique.
- 4) States that the policy shall provide that it is grounds for termination for a peace officer to participate in a law enforcement clique and willfully promote, further, or assist the clique in any illicit activity with knowledge that its members engage in, or have engaged in, a pattern of activity described above.
- 5) States that except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement clique to another law enforcement agency conducting a pre-employment background investigation of that former peace officer.

**COMMENTS**

*Law Enforcement Gangs and Cliques:* According to the author, only one law enforcement department in California – the Los Angeles County Sheriff's Office, the sponsor of this bill – has a policy against officer participation in an inner departmental "clique" or gang. Reports about gangs within the LA county sheriff have been widely reported:

- 1) "Los Angeles Deputy Says Colleagues are Part of Violent Gang" Dazio, NBC, August ,4 2020, available at: <https://www.nbclangeles.com/news/local/gang-los-angeles-county-sheriffs-deputies-executioners-compton/2407924/>, [as of April 21, 2021].)

- 2) "In L.A. County, Gangs Wear Badges" Cheney-Rice, New York Magazine, September 4, 2020, <https://nymag.com/intelligencer/2020/09/1-a-county-sheriffs-department-has-a-gang-problem.html>, [as of April 21, 2021].)
- 3) "Los Angeles Sheriff's deputies say gangs targeting 'young Latinos' operate within department," CBS News This Morning, February 2021, available at: <https://www.cbsnews.com/news/los-angeles-sheriffs-deputies-gangs-young-latinos/>, [as of April 21, 2021].)
- 4) "A New Lawsuit Describes a Violent Gang in LA County. Its Members Are Deputy Sheriffs." P.R. Lockhart, Vox Media, October 11, 2019, available at: [www.vox.com/identities/2019/10/11/20910315/banditos-los-angeles-sheriff-department-lawsuit-gangs](http://www.vox.com/identities/2019/10/11/20910315/banditos-los-angeles-sheriff-department-lawsuit-gangs), [as of April 21, 2021].)

Allegations of malicious behavior by gangs formed within law enforcement agencies has not been strictly limited to the Los Angeles County Sheriff, (*see e.g.* "Vallejo Police Launch Independent Probe Into 'Badge Bending' Allegations," NBC Bay Area, July 31, 2020, available at: <https://www.nbcbayarea.com/news/local/north-bay/vallejo-police-launch-independent-probe-into-badge-bending-allegations/2336588/>, [as of April 21, 2021].

### **According to the Author**

According to the author, "At the very basic level, every single law enforcement department should prohibit the participation of any of their officers from being in a gang – outside or inside of the workplace. This bill is about proactively rooting out "bad apples" including those who participate, formally or informally, in a type of unacceptable behavior that is damaging to not only our community members, but to the reputation of law enforcement as a whole. Allowing this activity creates an impediment to building and preserving trust between California communities and law enforcement. AB 958 will ensure that law enforcement agencies have policies in place to terminate any officer who they find out to be a participant in a police gang."

### **Arguments in Support**

According to the *California Public Defenders Association*: "Law enforcement gangs or cliques have long been a problem for law enforcement and for the communities they police. As far back the 1980s members of the Los Angeles Sheriff's Department were identified as members of the Viking gang. In 1988, one year after joining the Vikings, deputy Paul Tanaka was named in a wrongful death suit that the LASD settled for almost \$1 million; the case involved Tanaka's shooting of a young Korean man. A Sheriff's Deputy told the Los Angeles Times that invitation to join the Vikings was considered prestigious, but also meant 'you keep your mouth shut and obey the code of silence' about illegal activity by other deputies. Despite alleged efforts by top officials, gang membership still pervades many law enforcement agencies."

### **Arguments in Opposition**

None.

## **FISCAL COMMENTS**

According to the Appropriations Committee:

- 1) Costs (General Fund (GF)), possibly in excess of \$150,000, to state agencies employing peace officers including the Department of Justice (DOJ), California Department of

Corrections and Rehabilitation (CDCR) and California Highway Patrol (CHP) to update internal policies and practices related to participate in a law enforcement clique that violates the requirements of this bill.

- 2) Unknown, possibly significant reimbursable costs (GF and local funds) to local law enforcement to update policies and procedures pertaining to participation in a law enforcement clique, to the extent a law enforcement agency must terminate a peace officer for participation in a law enforcement clique. Peace officer terminations must comply with the requirements of the Public Safety Officers Procedural Bill of Rights (PSOPBR) and are subject to administrative and judicial due process at costs to local agencies. This bill mandates a peace officer be terminated if found to be a member of the law enforcement clique. GF costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. The Commission on State Mandates has previously ruled local compliance with the PSOPBR constitutes a reimbursable state mandate.

## VOTES

### ASM PUBLIC SAFETY: 8-0-0

**YES:** Jones-Sawyer, Lackey, Bauer-Kahan, Quirk, Santiago, Seyarto, Wicks, Lee

### ASM APPROPRIATIONS: 16-0-0

**YES:** Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

## UPDATED

VERSION: May 24, 2021

CONSULTANT: Matthew Fleming / PUB. S. / (916) 319-3744

FN: 0000775