
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 958 **Hearing Date:** July 6, 2021
Author: Gipson
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Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Peace officers: law enforcement cliques*

HISTORY

Source: Los Angeles County Sheriff's Office
Prior Legislation: None
Support: Los Angeles County Sheriff
Opposition: County of Los Angeles
Assembly Floor Vote: 73 - 1

PURPOSE

The purpose of this bill is to identify what a law enforcement clique is within a law enforcement agency and to require each agency maintain a policy that prohibits the participation in a "clique" if the participation willfully promotes, furthers or assists the clique in any illicit activity with knowledge that the members of the clique engage in a pattern of illicit activity, as defined.

Existing law requires each class of public officers or employees declared by law to be peace officers shall meet minimum standards, including that they be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation that might adversely affect the exercise of the powers of a peace officer. (Gov. Code, § 1031, subd. (f).)

Existing law establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. (Pen. Code, §§ 830-832.10 and 13500 et seq.)

Existing law establishes the Peace Officer Bill of Rights (POBOR). (Gov. Code, § 3300.)

Existing law states that no public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a

public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him or her with insubordination. (Gov, Code, § 3304 subd. (a).)

Existing law provides no punitive action nor denial of promotion on grounds other than merit shall be undertaken by any public agency against any public safety officer who has successfully completed the probationary period that may be required by his or her employing agency without providing the public safety officer with an opportunity for administrative appeal. (Gov, Code, § 3304 subd. (b).)

Existing law states no chief of police may be removed by a public agency, or appointing authority, without providing the chief of police with written notice and the reason or reasons therefor and an opportunity for administrative appeal. For purposes of this subdivision, the removal of a chief of police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons." Nothing in this subdivision shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police. (Gov, Code, § 3304 subd. (c).)

Existing law except as specified, no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year, except in any of the following circumstances:

- If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.
- If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.
- If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- If the investigation involves more than one employee and requires a reasonable extension.
- If the investigation involves an employee who is incapacitated or otherwise unavailable.
- If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.
- If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.
- If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer. (Gov, Code, § 3304 subd. (d).)

Existing law provides where a pre-disciplinary response or grievance procedure is required or utilized, the time for this response or procedure shall not be governed or limited by this chapter. (Gov, Code, § 3304 subd. (e).)

Existing law states if, after investigation and any pre-disciplinary response or procedure, the public agency decides to impose discipline, the public agency shall notify the public safety officer in writing of its decision to impose discipline, including the date that the discipline will be imposed, within 30 days of its decision, except if the public safety officer is unavailable for discipline. (Gov, Code, § 3304 subd. (f).)

Existing law specifies, notwithstanding the one-year time period specified, an investigation may be reopened against a public safety officer if both of the following circumstances exist;

- Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
- One of the following conditions exist:
 - The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.
 - The evidence resulted from the public safety officer's pre-disciplinary response or procedure. (Gov, Code, § 3304 subd. (g).)

Existing law states that the Legislature hereby finds and declares that the rights and protections provided to peace officers under this the POBAR constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California. (Gov, Code, § 3301.)

Existing law states that when any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment:

- Specifies that the interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.
- States that the public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

- Provides that the public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- States that the interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.
- Provides that the public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.
- Specifies that no statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:
 - This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including specified disciplinary actions.
 - This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.
 - This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.
 - This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.
- States that the complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.
- Provides that if prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.
- States that upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for non-criminal matters.

- Specifies that this section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.
- Provides that no public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances. (Gov. Code, § 3303.)

This bill defines “law enforcement agency” as any department or agency of the state or any local government, special district, or other political subdivision thereof that employs any peace officer.

This bill defines a “law enforcement clique” as 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 or destroying 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.

This bill specifies that each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement clique. The policy shall state 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 in the definition of a “clique.”

This bill provides 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.

This bill finds and declares the following:

- Law enforcement cliques have been identified within California law enforcement agencies, undermining California’s movement to enhance professional standards of policing throughout the state. Law enforcement cliques have been recognized by the Los Angeles Sheriff’s Department as damaging to the trust and reputation of law enforcement throughout California.
- A law enforcement clique is a group of law enforcement officers within an agency that engage in a pattern of rogue on-duty behavior that violates the law or fundamental principles of professional policing.
- Building and preserving trust between California communities and law enforcement agencies, and protecting the integrity of law enforcement as an institution will require agencies to proactively root out “bad apples” including those who participate, formally or informally, in this type of behavior.

- Law enforcement agencies must support and promote peer intervention in instances of officer misconduct, including reporting officers suspected of involvement in law enforcement cliques, and must hold those officers accountable through proportionate disciplinary measures when misconduct is proven.
- Trust between our communities and law enforcement is dependent on an institutional reconciliation of the historical traumas perpetrated by law enforcement cliques.

COMMENTS

1. Need for This Bill

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.

2. Law Enforcement Gangs and Cliques in Los Angeles County

Reports about gangs within the LA County Sheriff have been widely reported:

- “Los Angeles Deputy Says Colleagues are Part of Violent Gang” Dazio, NBC, August 4, 2020, available at: <https://www.nbclosangeles.com/news/local/gang-los-angeles-county-sheriffs-deputies-executioners-compton/2407924/>, [as of April 21, 2021].)
- “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].)
- “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].)
- “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: <https://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.¹ However, it does appear to be the agency with the most prolific problem.

Recently, the Center for Juvenile Law & Policy at Loyola Law School in Los Angeles released a detailed, comprehensive report about the “fifty year history” how sheriff deputy gangs have negatively impacted policing in Los Angeles and infected the fairness of legal proceedings in Los Angeles Superior Court (Loyola Report).² The report made a variety of policy recommendations for the Los Angeles Sheriff Department to deal with the problem of law enforcement gangs and their unlawful behavior, the first of which was to enforce a policy prohibiting deputies from participating in subgroups that violate the rights of others or have violated the rights of others in the past.

The Loyola Report originated from juveniles who were represented by the Center for Juvenile Law & Policy (Center). The minor clients of the Center were often detained and charged with gang crimes. However, the juveniles informed the Center that they were often arrested by officers of the LA County Sheriff’s Department (LASD) who were themselves gang members. The Loyola Report found that the LASD has a long history of deputies forming secret subgroups at stations in minority communities. These subgroups often have tattoos, hand signals, and rituals that are similar to street gangs. These subgroups were found to foster a culture that resists police reforms, and encouraging and celebrating aggressive tactics such as use of excessive force against minority communities.

The Loyola Report made the following specific recommendations:

- The LASD should enforce its new policy (3-01/050.83) prohibiting deputies from participating in subgroups that violate the rights of others or have violated the rights of others in the past;
- The LASD should periodically require existing employees to fill out its “tattoo image form” that it currently requires all applicants to fill out;
- The LASD should acknowledge the existence of all known deputy gangs and cliques and disclose all internal documents about the gangs and cliques pursuant to the California Public Records Act;
- Los Angeles deputy district attorneys should affirmatively ask sheriff’s deputies expected to testify as prosecution witnesses whether they belong to a deputy gang or clique and, if they do, disclose this affiliation to the defense prior to trial pursuant to Brady v. Maryland;
- Defense counsel should move, pursuant to Pitchess v. Superior Court and Brady v. Maryland, to discover if any sheriff’s deputies involved in the investigation of the charged offenses is affiliated with a deputy gang or clique;
- Judges should allow defense counsel to cross-examine deputies regarding their tattoos and affiliations with deputy subgroups and require prosecutors to affirmatively disclose this information to defense counsel;

¹ “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].

² “Fifty Years of ‘Deputy Gangs’ in the Los Angeles County Sheriff’s Department: Identifying Root Causes and Effects to Advocate for Meaningful Reforms,” Center for Juvenile Law & Policy LMU Loyola Law School, January 2021, available at: <https://lmu.app.box.com/s/ho3rp9qdbmn9aip8fy8dmmu/kjgw5yyc>, [as of April 21, 2021].

- The Los Angeles Sheriff Civilian Oversight Commission (COC) should host town halls in East Los Angeles, Lynwood, South Los Angeles, Compton, and the Antelope Valley to solicit community input about deputy gangs or cliques operating in these areas;
- The COC should direct the Office of Inspector General to investigate all current deputy gangs and, if necessary, use its subpoena power to obtain testimony and documents regarding the deputy gangs;
- The Sheriff should regularly attend COC public hearings in order to engage with the commission and community members about how to address the longstanding problem of deputy gangs and cliques within the department;
- Anon-profit organization, educational institution, or the Office of the Inspector General should create and maintain a database of all deputies known to be affiliated with a deputy gang or clique, catalogue specific acts of misconduct associated with the gang or clique, and make the information available to the public; and
- The Los Angeles County Board of Supervisors should direct its counsel to stop requesting protective orders and non-disclosure agreements as a condition of settlement in civil suits because such tactics facilitate hiding deputy gang misconduct from the public.

3. The Proposed Amendments from LA County

As introduced this bill would have more broadly defined the behavior that can constitute a law enforcement clique. It also would have stated that mere participation in a law enforcement clique would be ground for termination even if the participation did not involve engaging in any illegal activity. The amendments proposed by the Assembly Committee on Public Safety Committee clarified the conduct that can be considered as falling within the purview of a law enforcement clique and required active participation in the clique as well as some kind of behavior that promotes, furthers, or assists the clique in illicit activity in order to be subject to termination.

The opposition from the County of Los Angeles seems to be based, at least partly on the basis of the amendments that were taken in the Assembly Public Safety Committee. The County of Los Angeles takes issue with the fact that misconduct is separate and apart from membership and that termination cannot be based on membership alone and must be based on the officer engaging in the illicit activity in furtherance of the clique. In *People ex rel. Gallo v. Acuna*

The County of Los Angeles amendments would do the following:

- Broaden the definition of what constitutes a clique to include naming themselves and association by tattoos.
- Expand the illicit conduct that a cliques engage in to also include:
 - Discriminatory behavior based on someone being a member of a protected class;
 - Promoting conduct that violates the rights of others; and
 - Violating agency policy.
- Require that law enforcement agencies maintain a policy that prohibits participation in a law enforcement clique, and makes a violation of that policy grounds for termination.
- Require a law enforcement agency cooperate in any investigation into such groups by an inspector general, the attorney general, or any other authorized agency.
- Permit local agencies and ability to impose greater restrictions on membership and participation in law enforcement cliques, including for discipline and termination purposes.

4. Freedom of Association

One additional question is whether discipline on the basis of one's membership in a law enforcement clique would violate the freedom of officers to freely associate. The freedom of association is not expressly stated in the United States Constitution's First Amendment, however it was recognized by the U.S. Supreme Court in *NAACP v. Alabama (1958)* 357 U.S. 449. The Supreme Court ruled that the State of Alabama could not demand NAACP membership records because it violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution. The holding of the case granted the freedom to associate with organizations dedicated to the advancement of beliefs and ideas as an inseparable part of the Due Process Clause of the Fourteenth Amendment.

While the issue of participation in a law enforcement clique has not been expressly ruled on through the lens of the Freedom of Association, California Courts have looked at the issue as applied to criminal street gangs. In *People ex rel. Gallo v. Acuna (1997)* 14 Cal.4th 1090, the California Supreme Court upheld an injunction brought by the City of San Jose prohibiting specified gang members from a four-square-block neighborhood known as "Rocksprings." The court found on the issue of Freedom of Association, "[i]t is evident that whatever else it may be in other contexts, the street gang's conduct in Rocksprings at issue in this case fails to qualify as either of the two protected forms of association. Manifestly, in its activities within the four-block area of Rocksprings, the gang is not an association of individuals formed 'for the purpose of engaging in protected speech or religious activities.' *Bd. of Dirs. of Rotary Int'l v. Rotary Club (1987)* 481 U.S. 537, 544 [107 S. Ct. 1940, 1945, 95 L. Ed. 2d 74]. Without minimizing the value of the gang to its members as a loosely structured, elective form of social association, that characteristic is in itself insufficient to command constitutional protection, at least within the circumscribed area of Rocksprings. As the court pointed out in *Dallas v. Stanglin, supra*, 490 U.S. at page 25 [109 S. Ct. at page 1594], "[i]t is possible to find some kernel of expression in almost every activity a person undertakes--for example, walking down the street or meeting one's friends at a shopping mall--but such a kernel is not sufficient to bring the activity within the protection of the First Amendment."

"Defendants contend that if there is any doubt that association with other gang members "is afforded constitutional protection, the Supreme Court put the notion to rest in *Dawson v. Delaware (1992)* 503 U.S. 159 . . . where it held that association with a prison gang, the Aryan Brotherhood, is constitutionally protected." This argument misreads the court's opinion in Dawson. There, the court reversed a penalty jury's capital verdict on the ground that an abbreviated stipulation of the parties--reciting that the "'Aryan Brotherhood refers to a white racist prison gang' " which originated in California in the 1960's " 'and now exist[s] in many state prisons including Delaware' " --lacked any relevance to the capital sentencing issue before the jury. *Dawson v. Delaware (1992)* 503 U.S. 159, 162, 165 [112 S. Ct. 1093, 1096, 1097-1098, 117 L. Ed. 2d 309]. Far from holding that "association with a prison gang . . . is constitutionally protected," the vice condemned by the court in Dawson was the very "narrowness of the stipulation [that] left the Aryan Brotherhood evidence totally without relevance to Dawson's sentencing proceeding." *Id. at p. 165.*

The same principles that apply to gangs may be read to apply to law enforcement cliques as they have similar interests. If there is no freedom to associate amongst gang members, is there a freedom to associate amongst law enforcement cliques? If not, then termination or discipline of an officer for participating in a law enforcement clique would likely not be a violation of the right to freely associate.

5. Argument in Support

According to the Los Angeles County Sheriff:

As the Sheriff of Los Angeles County, I recently enacted a policy that forbids my personnel from participating or joining any group which promotes conduct that violates the rights of other employees, or members of the public. Furthermore, participation in these illicit groups, which often include an associated symbol and/or tattoo, harms morale and erodes public trust. These groups undermine the Department's goals and can create a negative public perception, increasing the risk of civil liability to the Department and involved personnel. Any of my personnel who engage in misconduct of any kind, including but not limited to, the use of excessive force, or mistreat or harass others, will be subject to discipline. If the misconduct involved criminal allegations, the matter may be referred to the Los Angeles County District Attorney's Office for possible prosecution. All Department personnel will be held accountable to this policy.

6. Argument in Opposition

According to the County of Los Angeles:

In Los Angeles County, deputy secret societies have existed for decades and deputy gangs are unique to the Los Angeles County Sheriff's Department, and repeated instances of misconduct have been associated with these groups along with the discrimination they appear to employ in their membership. Further, a code of silence has historically kept details of their nature and conduct secret and has been used to protect the unlawful conduct and interests of these groups.

In response to the Sheriff Civilian Oversight Commission, the Sheriff's Department has implemented a policy that purports to restrict membership in these groups. Unfortunately, this policy does not prohibit the existence of the groups, does not require the Sheriff's Department to identify groups that violate its terms, and does not require cooperation with outside investigators, such as the Inspector General or the Attorney General.

While the intent of AB 948 is admirable, there are significant deficiencies that need to be addressed. The bill currently limits the prohibition on law enforcement cliques to circumstances in which there is misconduct separate and apart from membership, thus even when a group has been identified as a law enforcement clique, membership cannot be prohibited unless the peace officer also engages in illicit activity. As a result, a peace officer cannot be disciplined or terminated for membership alone. Further, the definition of "law enforcement cliques" does not fully encompass all subgroups of concern, so the definition should be expanded to include that law-enforcement agency personnel shall not actively participate or solicit other personnel to join a clique or a gang. Below are the amendments that would remove the County's opposition to the bill.

13670 Section 2 (a): "Law enforcement clique" means a group of peace officers within a law enforcement agency that may identify themselves by a name and may be associated with an identifying symbol,

including, but not limited to matching tattoos, who 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, *excluding, harassing, or discriminating against any individual based on any protected category under federal and state antidiscrimination laws, and engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy*, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying 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.

13670 Section 2 (b) revised to read: *Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement clique, and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into such groups by an inspector general, the attorney general, or any other authorized agency. Notwithstanding any other provision of law, local agencies may impose greater restrictions on membership and participation in law enforcement cliques, including for discipline and termination purposes.*

-- END --