

## CONCURRENCE IN SENATE AMENDMENTS

AB 958 (Gipson)

As Amended July 8, 2021

Majority vote

**SUMMARY**

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

**Senate Amendments**

- 1) Replace the term "clique" with the term "gang."
- 2) Expand the definition of a law enforcement gang to include peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos.
- 3) Expand the definition of a law enforcement gang to include behavior such as excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, and violating agency policy.
- 4) Delete the requirement that would have required a peace officer to willfully promote, further, or assist the gang in any illicit activity with knowledge that its members engage in, or have engaged in, a specified pattern of activity, in order to be subject to termination of employment.
- 5) Require law enforcement agencies to cooperate in any investigation into these gangs by an inspector general, the Attorney General, or any other authorized agency.
- 6) Provide that, notwithstanding any other law, local agencies may impose greater restrictions on membership and participation in law enforcement gangs, including for discipline and termination purposes.

**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.nbclosangeles.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/l-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

"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 on file.

## FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) *Department of Justice*: The department reports ongoing annual costs of \$986,000 for 2.0 Deputy Attorneys General, 1.0 Senior Analyst, and 2.0 Legal Secretaries for enforcement of this bill. (General Fund)
- 2) *Law enforcement agencies*: Unknown, potentially-significant one-time costs in the aggregate for law enforcement agencies across the state to adopt policies prohibiting law enforcement

gangs. Actual costs to each agency would vary depending in large part on the extent that its current policies align with this measure. The California Highway Patrol, for example, indicate minor and absorbable costs to update its policies to comply with AB 958. Local costs to comply with this measure would be subject to reimbursement by the state to the extent that the Commission on State Mandates determines that this bill imposes a state-mandated local program. Considering that there are over 500 local law enforcement agencies across the state, costs to implement this measure could reach into the hundreds of thousands of dollars. (General Fund, special funds, local funds)

Additionally, to the extent that this bill leads to the commencement of additional termination or other disciplinary actions against peace officers, this bill could result in cost pressures to the General Fund to provide additional funding to state and local law enforcement agencies for their compliance with procedures required by the Public Safety Officers Procedural Bill of Rights Act (POBOR). The Commission on State Mandates has determined already that POBOR imposes a mandate on local jurisdictions that is reimbursable by the state. Currently, the state's backlog for POBOR mandate reimbursements (through fiscal year 2019-2020) is about \$110.3 million

## **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

### **ASSEMBLY FLOOR: 73-1-5**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

**NO:** Stone

**ABS, ABST OR NV:** Bryan, Gallagher, Cristina Garcia, Maienschein, Ting

### **SENATE FLOOR: 37-0-3**

**YES:** Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Dahle, Limón, Stern

**UPDATED**

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