

SENATE THIRD READING

SB 494 (Dodd)

As Amended June 16, 2021

Majority vote

SUMMARY

Requires the Commission on Peace Officer Standards and Training (POST) to implement a course of instruction for the training of law enforcement officers in the use of advanced interpersonal communication skills, and requires a course in science-based interviewing to be included at the Robert Presley Institute of Criminal Investigation (ICI).

Major Provisions

- 1) Requires POST to develop and implement, on or before January 1, 2023, a course or courses of instruction for the regular and periodic training of law enforcement officers in advanced interpersonal communication skills and requires the course or courses to be included in the basic training for law enforcement officers. Requires POST to develop and implement, on or before January 1, 2023, a course or courses of instruction for the regular and periodic training of law enforcement officers training to become detectives and criminal law enforcement investigators in ethical, science-based interviewing, and requires that course or courses to be incorporated into the core course required by the Robert Presley Institute of Criminal Investigation.
- 3) Requires POST to develop the courses of instruction, the learning and performance objectives, the standards for the training, and guidelines consistent with relevant peer-reviewed research in consultation with groups and individuals having an interest and expertise in the fields of interpersonal communication and science-based interviewing. Requires the groups and individuals to include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, prosecutors, and members of the public. Requires POST, in consultation with these groups and individuals, to review existing training programs to determine how advanced interpersonal communication training, and science-based interviewing may be included as part of existing programs.
- 6) Requires each law enforcement agency to adopt and promulgate specific policies, and require regular and periodic training on advanced interpersonal communication training, and science-based interviewing.
- 7) Defines "advanced interpersonal communications skills" as the deliberate use of communication strategies to manage the dynamics of an interaction. Law enforcement officers should seek to employ skills with the specific intention of establishing rapport with the subject to create an atmosphere conducive to cooperation and engagement as appropriate for the situation. When feasible, the skills should be based on empirical evidence of their effectiveness, and may include, but are not limited to active listening, reflection, non-judgmental approaches, evocation, empathy, and methods of non-confrontational challenge. Law enforcement officers should seek to determine the communication style and behavior of the subject and adapt their response accordingly.
- 8) Defines "science-based interviewing" as an interview process that is supported by empirical research and evaluated by scientific standards of reliability and validity. When feasible, the process should begin with an initial planning phase that is designed to assist the investigative

team in separating facts from inferences, decrease the likelihood of errors based on cognitive biases, and decrease the likelihood of false confessions. The interviewer should seek to engage the subject in an ethical and professional manner, while understanding that the role of the interviewer is not simply to extract a confession, but rather to seek the truth about events to provide the best evidence in the interests of justice. Cues to deception should be found in the details of the story, rather than in signs of anxiety or nonverbal behaviors.

COMMENTS

According to the Author

"SB 494 will help train law enforcement officers in their criminal investigations and public interactions, ensuring they uphold civil rights and treat people with dignity and respect. Everyone deserves to be treated fairly and humanely by police officers and should not fear having their rights trampled. Over the past 75 years, police have relied on a criminal interrogation strategy known as the Reid Technique, which relies heavily on assuming guilt, assessing behavioral clues of deception and administering psychological manipulation. Studies have raised serious questions about the validity of these techniques. A 2006 meta-analysis found the aptitude to correctly detect deception averaged only 54%. SB 494 would require the California Commission on Police Officer Standards and Training to create and integrate office training on interview techniques that are more ethical and effective at getting accurate information while avoiding false confessions."

Arguments in Support

According to this bill's sponsor, the *El Dorado District Attorney's Office*: "This bill would require POST to convene a working group comprised of law enforcement agencies, police academy instructors, subject matter experts, prosecutors, and members of the public to review the available research and develop curriculum. Over the past 15 years, accusatorial interviewing has come under intense scrutiny, in part because it is based more on anecdote and tradition than on scientific research and increases the probability of false confessions. During the same period, researchers have published more than 100 pieces of peer-reviewed scientific literature in the field of interviewing and interrogations."

Arguments in Opposition

None.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) One-time costs (General Fund (GF)) of approximately \$500,000 for POST to develop and implement a regular and periodic training course on advanced interpersonal communication skills. Costs include training for ICI instructors on science-based interviewing.
- 2) Costs (GF) possibly in the mid-hundreds of thousands of dollars annually for state agencies to cover overtime costs for officers participating in regular and periodic training regarding the use of advanced interpersonal communication skills. Costs will depend on how the training is integrated into existing POST learning domains already required and whether peace officers are required to attend additional training courses specifically focused on

advanced interpersonal communication skills. For example, the California Department of Insurance estimates annual costs of \$54,000 for each training session depending on how often the training is required.

VOTES

SENATE FLOOR: 37-0-3

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

ABS, ABST OR NV: Limón, McGuire, Stern

ASM PUBLIC SAFETY: 7-0-1

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

ABS, ABST OR NV: Seyarto

ASM APPROPRIATIONS: 16-0-0

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

UPDATED

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