

CONCURRENCE IN SENATE AMENDMENTS

AB 572 (Kalra)

As Amended September 5, 2025

Majority vote

SUMMARY

Requires a law enforcement and prosecutorial agency to maintain a policy requiring a peace officer or prosecuting attorney to take specified actions before any initial formal interview with an immediate family member of the person killed or seriously injured by a peace officer.

Senate Amendments

1) Delete the prior version of the bill, and instead provide the following:

- a) Requires, on or before January 1, 2027, every law enforcement and prosecutorial agency to maintain a policy requiring a peace officer or prosecuting attorney who initiates a formal interview to gather evidence related to a law enforcement incident resulting in a person's death or serious bodily injury caused by a peace officer to adhere to the following:
 - i) Requires a peace officer or prosecuting attorney before any initial formal interview with an immediate family member of the person killed or seriously injured, or upon confirming the relationship as an immediate family member, to do the following:
 - (1) Clearly identify themselves by providing their full name and the name of the agency by which they are employed, and if the interview takes place in person, they shall also display a business card, official badge, or other form of official identification.
 - (2) Inform the person of the status of their family member, if known, including whether the family member has been killed or seriously injured by law enforcement.
 - (3) Inform the person that they are conducting a formal interview for the purposes of an investigation that may or may not involve an assessment of the conduct of the person that was killed or injured.
 - (4) Inform the person that they can have a trusted support person with them, and if the family member is asked to go to a station for a formal interview, inform the family member that they have a choice to come to the station and can have a trusted support person with them.
 - b) Specifies that the above requirements do not apply in the following circumstances:
 - i) When a reasonable officer believes that delay would result in the loss or destruction of evidence or pose an imminent threat to public safety.
 - ii) When the immediate family member has received advisements substantially equivalent to those required by this section or under *Miranda v. Arizona* (1966) 384 U.S. 436.

- c) Prohibits a peace officer or prosecuting attorney from employing threats or deception, including knowingly using false information, fabricated evidence, or misleading statements, to coerce an interview or when conducting any interview subject to this bill.
- d) Defines the following terms:
 - i) "Formal" means an interview conducted in person or via secure remote communication, including, but not limited to, video or audio conferencing, designed to elicit specific, material information about an incident and documented through written, audio, or video records.
 - ii) "Immediate family member" means a person known by the officer at the time of the interview to be a spouse, parent, grandparent, brother, sister, or child or grandchild related by blood, marriage, or adoption of the person who was killed or injured.
 - iii) "Law enforcement agency" means 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.
 - iv) "Prosecutorial agency" means a district attorney, city attorney, or other governmental entity responsible for the prosecution of crimes.
 - v) "Serious bodily injury" means, a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.
 - vi) "Support person" means an individual selected by the immediate family member to provide moral and emotional support, provided the support person is not a percipient witness to or person of interest or suspect in the incident involving the individual who was killed or seriously injured by police. No certification, training, or other special qualification is required for an individual to act as a support person.

COMMENTS

- 1) *As passed by the Assembly:* This bill required specified law enforcement officers, prior to interviewing an immediate family member of a person who has been killed or seriously injured by a peace officer, to inform that person that their family member has been killed or seriously injured.

Major Provisions:

- 1) Required a peace officer or prosecuting attorney, prior to commencing any interview, questioning, or interrogation by law enforcement, regardless of whether they are in a police station, with an immediate family member of a person who has been killed or seriously injured by a peace officer, to do the following:
 - a) Clearly identify themselves, identifying the full name of the agency by whom they are employed. If the interview takes place in person, the party shall also show the person a business card, official badge, or other form of official identification.

- b) Inform the person of the status of their family member, including whether the family member has been killed or seriously injured by law enforcement.
 - c) Inform the person that they can consult with an attorney or trusted support person, they are not required to speak with officers, and they are not required to go to the police station.
 - d) Inform the person that they are conducting an investigation and that the investigation may or may not involve the culpability of the person that was killed or injured.
- 2) Made this bill inapplicable to an immediate family member of a person who has been killed or seriously injured by a peace officer if that immediate family member is under a custodial interrogation that requires the immediate family member to be given the warnings required by *Miranda v. Arizona* (1966) 384 U.S. 436.
 - 3) Defined "immediate family" to mean the spouse, domestic partner, parent, guardian, grandparent, aunt, uncle, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption, of the person who was killed or seriously injured by a peace officer.
 - 4) Defined "seriously injured" as a serious bodily injury, which is a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

According to the Author

"The relatives of individuals affected by police violence have a reasonable expectation of transparency and information about the circumstances surrounding their loved ones' welfare without encountering deceiving and threatening information. The coercive methods law enforcement officers use to interrogate family members of the victim not only inflict harm upon the victim and their family, but also erode trust in law enforcement. AB 572 will provide family members with information that could protect them from a coercive interrogation when they are at their most vulnerable."

Arguments in Support

According to the *California Public Defenders Association*, "CPDA has a long-standing history of advocating for police transparency, accountability, and accessibility. We have supported numerous pieces of legislation aimed at ensuring community access to information about law enforcement and policing. Over the last five years, we have proudly supported specific efforts by members of the California Legislature to put police policies and procedures online (SB 978 (Bradford), [Chapter 978, Statutes of 2018] increase transparency of some police disciplinary records (SB 1421 (Skinner) [Chapter 988, Statutes of 2018] and SB 16 (Skinner) [Chapter 402, Statutes of 2021] and to create a commission to investigate and decertify police officers who commit misconduct SB 2 (Bradford) [Chapter 409, Statutes of 2021].

"AB 572 would require a peace officer, a prosecuting attorney, or an investigator for the prosecution, prior to interviewing an immediate family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themselves, if the interview takes place in person, to show identification, and to state specified information, including that the family member has the right to ask about the status of their family member prior to answering questions,

has the right to remain silent, and before speaking with the interviewer, can consult with a trusted person and can have that person with them while they speak to the interviewer.

"AB 572 provides more transparency and accountability by providing members of the community information about whether the person attempting to interview them is a member of the prosecution, or law enforcement or someone else entirely, as well as their purpose in conducting the interview. People who have lost a loved one are understandably emotionally distraught and often confused about what is happening and should be provided clear information about whom the person is who is asking questions of them. AB 572 will provide some clarity about the purpose of the inquiry being made by law enforcement.

"An individual who has lost a loved one will be more willing to cooperate and aid the police in its investigation knowing the purpose of the questioning. It will help to foster more trusting relationships between the community and law enforcement by providing some assurance that a person is not misrepresenting themselves. Advising members of the public with this most basic information takes little time and energy and it will aid law enforcement in obtaining accurate and reliable information that may be used to further their investigative efforts."

Arguments in Opposition

According to the *Peace Officers Research Association of California*, "PORAC is deeply concerned that AB 572 will impede the pursuit of truth and justice by hindering the ability of investigators to gather accurate information from immediate family members of individuals involved in deadly force or serious injury incidents involving peace officers. By requiring these warnings and creating opportunities for family members to consult with attorneys before providing statements, AB 572 will result in witnesses declining to provide immediate interviews or statements, thereby inviting legal obstruction and the withholding of crucial information. Investigators rely on prompt interviews to capture spontaneous, detailed accounts before narratives solidify and external influences intervene to prevent the disclosure of or misrepresentation of critical details involving the actions of the suspect and the officer leading up to the shooting. For example, after consulting with a lawyer, a spouse who feared her husband would stab her may refuse to disclose her husband was wielding a knife or downplay her fear he would stab her.

"The prompt questioning of witness family members best serves the public by providing investigators with more truthful, accurate, and complete statements. First, fresh memories are more reliable. Statements obtained closer to the event reduce the risk of memory distortion or loss. Consultation with an attorney may result in significant delay, degrading their ability to vividly recall details like the officer and the suspect's actions prior to the shooting, the sequence of events, or environmental factors.

"Second, consultation with a lawyer will result in strategic framing tailored to legal strategies (e.g., minimizing the suspect's culpability to support a wrongful death claim). Attorneys may encourage selective recall aligned with civil litigation goals rather than a comprehensive account. For example, a sibling might initially recall the suspect reaching for a weapon but, post-attorney, focus only on the officer's actions, skewing their statement. Witnesses do not need a Miranda-like warning because they have no risk of self-incrimination or criminal exposure.

"Statements obtained contemporaneously are inherently more reliable because the emotional state of the witness can enhance the recall of vivid details and reduce the risk of deception, for similar reasons to the excited utterances exception to hearsay. An emotional outpouring often

leads to unfiltered statements, potentially revealing details they'd later suppress or alter after legal advice.

"In high-profile cases, family members might face pressure from activists, the media, other family members, or civil rights lawyers to align with a false narrative to maximize the recovery on meritless claims. Prompt interviews might reflect raw emotion, but delayed ones after counsel could balance personal truth with external influences.

"In addition, this bill is predicated on the false notion that family members are inherently vulnerable and require special protections to prevent coercion. In reality, family members are often the individuals with the most direct knowledge of the deceased or injured person's state of mind, potential threats they posed, and relevant circumstances surrounding the incident. Preventing investigators from obtaining truthful statements from these individuals before they can be coached or advised to remain silent undermines the pursuit of justice."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Likely minimal, potentially reimbursable workload costs for peace officers to provide the required information before interviews. General Fund costs will depend on whether the Commission on State Mandates determines these duties constitute a reimbursable state mandate."

VOTES:

ASM PUBLIC SAFETY: 5-2-2

YES: Schultz, Mark González, Haney, Harabedian, Sharp-Collins

NO: Alanis, Lackey

ABS, ABST OR NV: Nguyen, Ramos

ASM APPROPRIATIONS: 10-4-1

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Solache

NO: Sanchez, Dixon, Hadwick, Ta

ABS, ABST OR NV: Pellerin

ASSEMBLY FLOOR: 44-22-13

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Connolly, Elhawary, Fong, Garcia, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lee, Lowenthal, McKinnor, Ortega, Papan, Patel, Pellerin, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Ávila Farías, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Irwin, Lackey, Macedo, Patterson, Petrie-Norris, Sanchez, Ta, Tangipa, Wallis

ABS, ABST OR NV: Bains, Calderon, Gabriel, Gipson, Krell, Muratsuchi, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Blanca Rubio, Soria, Stefani

UPDATED

VERSION: September 5, 2025

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