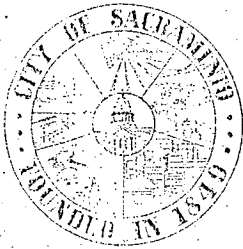


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CITY OF SACRAMENTO

RECEIVED

MAR 11 1985

CITY ATTORNEY'S OFFICE

JOHN P. KEARNS
CHIEF OF POLICE

DEPARTMENT OF POLICE

HALL OF JUSTICE

813 - 8TH STREET

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5121

March 6, 1985

Law and Legislative Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: REQUEST FOR NON-SUPPORT OF ASSEMBLY BILL 709

BACKGROUND

During the current session of the State Legislature, Assemblyman Peace proposed legislation that would authorize the filing of citizen complaints against police personnel with the City Clerk. The City Clerk would then be mandated to forward the complaint to the Police Department. I am opposed to the legislation for several reasons.

First, existing State law (832.5 PC) requires that police agencies establish procedures to investigate citizen complaints. The Sacramento Police Department, with the establishment of the Internal Investigations Section several years ago, has more than complied with this law.

Second, the Sacramento Police Department has worked diligently to establish a feeling of trust and rapport with members of the community by working together to resolve mutual problems. A policy of making complaints to another branch of government would hinder our efforts along these lines.

Third, complaints of officer misconduct should be confidential until thoroughly investigated. A law allowing complaints to be made to the City Clerk would compromise this confidentiality.

Lastly, such a law would, in all probability, make it more difficult and confusing for a citizen to make a complaint. A bureaucratic process would be established where one department would report to another department. Additionally, after making the initial complaint with the City Clerk, it would still be necessary for investigators to contact the complainant. This would require the citizen to go to the Police Department or the investigator to contact him at his home or place of business.

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RECOMMENDATION

I request that the Law and Legislative Committee object to this proposed legislation by corresponding with Assemblyman Lloyd Connelly and Phillip Isenburg. They should be asked to vote against this bill.



JOHN P. KEARNS
CHIEF OF POLICE

JPK:ket
REF: 3-15

Attachments

ASSEMBLY BILL**No. 709****Introduced by Assembly Member Peace****February 14, 1985**

An act to amend Section 832.5 of the Penal Code, relating to law enforcement agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as introduced, Peace. Peace officers.

Existing law requires each department or agency in the state that employs peace officers to establish a procedure to investigate citizens' complaints against the personnel of the departments or agencies.

This bill would authorize the filing of citizens' complaints against the personnel of police and sheriff's departments with the city clerk, in the case of a city police department, or the county clerk, in the case of a sheriff's department. It would require the city or county clerk to transmit the complaints filed with them pursuant to this authorization to the police or sheriff's department, thus establishing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

1 Claims Fund.

The people of the State of California do enact as follows:

1 SECTION 1. Section 832.5 of the Penal Code is
2 amended to read:

3 832.5. (a) Each department or agency in this state
4 which employs peace officers shall establish a procedure
5 to investigate citizens' complaints against the personnel
6 of such those departments or agencies, and shall make a
7 written description of the procedure available to the
8 public.

9 (b) Complaints and any reports and findings relating
10 thereto shall be retained for a period of at least five years.

11 (c) *Citizen's complaints against the personnel of a*
12 *police or sheriff's department may be filed with the city*
13 *clerk, in the case of a city police department, or the*
14 *county clerk, in the case of a sheriff's department, as well*
15 *as with the department. The city or county clerk shall*
16 *transmit those complaints to the appropriate*
17 *department.*

18 SEC. 2. Notwithstanding Section 2231.5 of the
19 Revenue and Taxation Code, this act does not contain a
20 repealer, as required by that section; therefore, the
21 provisions of this act shall remain in effect unless and
22 until they are amended or repealed by a later enacted
23 act.

24 SEC. 3. Reimbursement to local agencies and school
25 districts for costs mandated by the state pursuant to this
26 act shall be made pursuant to Part 7 (commencing with
27 Section 17500) of Division 4 of Title 2 of the Government
28 Code and, if the statewide cost of the claim for
29 reimbursement does not exceed five hundred thousand
30 dollars (\$500,000), shall be made from the State Mandates