AMENDED IN ASSEMBLY FEBRUARY 17, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

# ASSEMBLY BILL No. 89

**Introduced by Assembly Member Jones-Sawyer**
***(Coauthors: Assembly Members Lee and Wicks)***

December 7, 2020

An act to amend Section 1031 of the Government Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Jones-Sawyer. Peace officers: minimum qualifications.

Existing law requires peace officers in this state to meet specified minimum standards, including age and education requirements.

This bill would increase the minimum qualifying age from 18 to 25 years of age. This bill would permit an individual under 25 years of age to qualify for employment as a peace officer if the individual has a bachelor's or advanced degree from an accredited college or university. *The bill would specify that these requirements do not apply to individuals 18 to 24 years of age who are already employed as a peace officer as of the effective date of this act.* The bill would provide legislative findings in support of the measure.

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

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

*SECTION 1. This act shall be known, and may be cited, as the Peace Officers Education and Age Conditions for Employment Act or PEACE Act.*

~~SECTION 1.~~

*SEC. 2.* The Legislature finds and declares all of the following:

(a) There is an interest in minimizing peace officer use of deadly force.

(b) A study of 1,935 Philadelphia police officers examined the relationship between officer-involved shootings and self-control. The findings point to the conclusion that peace officers with greater self-control are less likely to use deadly force. Inversely, officers with lower self-control are "significantly more likely" to be involved in a police shooting.

(c) The Legislature has repeatedly relied on neurological research with respect to criminal sentencing law reflecting a growing understanding that cognitive brain development continues well beyond age 18 and into early adulthood. Scientific evidence on young adult development and neuroscience shows that certain areas of the brain, particularly those affecting judgment and decision making, do not develop until the early to mid-20s.

(d) Law enforcement officers are required to make split-second decisions to protect the health and safety of the public and address dangerous situations. A young adult with a still developing brain may struggle during events that require quick decision making and judgments.

(e) The Legislature finds and declares that because there is a negative correlation between officer age and use of deadly force, increasing the minimum age of a police officer will likely result in a police force composed of more mature officers who are able to exhibit greater self-control, and who are less likely to utilize deadly force.

(f) A small minority of officers is involved in the majority of use of force incidents; so called "high-rate officers." In a 2010 study, 6 percent of the officers studied accounted for approximately 40 percent of the use of force incidents in that year. In a 2012 study, 5.4 percent of officers were found to account for 32 percent of use of force situations. High-rate officers tend to be younger compared to low-rate officers.

(g) A 2007 study found that officers with a bachelor's degree were less likely to use physical force than officers with only a high school graduation. The same study also found no difference between officers with some college and those with only high school education.

(h) A study has also shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts.

(i) A 2008 study of the Riverside County Sheriff's Department found that age and education of officers was the main determinant in likelihood to resort to the use of force.

(j) Studies show that officers with a previous history of using deadly force are more than 51 percent as likely to engage in deadly force again, compared to officers without a history of shootings. For this reason, it is important to minimize potential for an officer to engage in an initial shooting as it likely will reduce the officer's likelihood of using deadly force throughout their service.

(k) During the years 2014–2018, only 8.7 percent of the police force was 25 years of age or younger and nearly 30 percent of those officers had a bachelor's degree, suggesting that limitations on the age and education of officers would not significantly affect the available workforce.

~~SEC. 2.~~

*SEC. 3.* Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle Code.

(b) Except as described in paragraph (2) of subdivision (e), be at least 25 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) (1) If 25 years of age or older, be a high school graduate, pass the General Education Development Test or other high school

equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA).

(2) If 18 to 24 years of age, an individual shall have a bachelor's degree or an advanced degree from an accredited college or university. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government-approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, or an organization holding full membership in AdvancED.

*(3) The requirements in paragraph (2) shall not apply to an individual 18 to 24 years of age who is already employed as a peace officer as of the effective date of the act that added this paragraph.*

(f) Be found to 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.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

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