

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 931

Introduced by Assembly Member Villapudua

February 17, 2021

~~An act to amend Section 639 of the Penal Code, relating to bribery.~~
An act to amend Section 13519.10 of the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

AB 931, as amended, Villapudua. ~~Bribery.~~ *Peace officer training: duty to intercede.*

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training. Existing law requires the course or courses of the regular basic course for law enforcement officers to include, among other things, training on the duty to intercede.

This bill would require the commission to model that training on the duty to intercede on a specified program, and would require the training to include both classroom instruction and extensive simulator-based training or live scenario-based training. The bill would additionally require every law enforcement officer to complete an updated course of instruction on the duty to intercede every 2 years. By imposing additional training costs on local law enforcement agencies, the bill would impose 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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law makes it a crime to give, offer, or agree to give to any director, officer, or employee of a financial institution any emolument, gratuity, or reward, or any money, property, or thing of value for their own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person a loan or extension of credit from that financial institution.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

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

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

- 1 SECTION 1. (a) This act shall be known, and may be cited,
- 2 as the 2021 Active Bystandership for Law Enforcement Training
- 3 Program.
- 4 (b) The Legislature finds and declares all of the following:
- 5 (1) President Obama’s Task Force on 21st Century Policing
- 6 found that teaching police peer intervention has a powerful
- 7 influence on encouraging and supporting officers to intervene and
- 8 prevent their colleagues from committing acts of serious
- 9 misconduct and criminal behavior.
- 10 (2) Police intervention and peer intervention training in law
- 11 enforcement is seldom offered to law enforcement officers.
- 12 (3) The Active Bystandership for Law Enforcement program
- 13 was developed to catalyze cultural shifts in how its officers
- 14 proactively intervened to reduce the likelihood of constitutional
- 15 and statutory violations of citizens’ rights.
- 16 (4) This police intervention and peer intervention training is
- 17 rooted in the studies of Dr. Ervin Staub, a holocaust survivor who
- 18 has studied the psychology of violence and the psychology of
- 19 passive bystandership for decades.
- 20 (5) Doctor Staub identified passive bystandership as failing to
- 21 take action where circumstances would seem to require action,

1 *and has worked to develop trainings to advance active*
2 *bystandership.*

3 *(6) Psychologists have identified common inhibitors to active*
4 *bystandership that impact all professions and people of all cultures.*
5 *The common inhibitors include pluralistic ignorance, diffusion of*
6 *responsibility, ambiguity as to whether help is needed, perceived*
7 *costs of providing assistance, concern about negative reactions*
8 *to intervention, devaluation of the individuals needing assistance,*
9 *and feelings that people are best able to take care of themselves.*

10 *(7) When the application of active bystandership training was*
11 *examined in the airline industry, researchers found that*
12 *subordinate crew members found it very difficult, particularly if*
13 *they were still in their new-hire, probationary period, to challenge*
14 *or suggest that a captain was making mistakes.*

15 *(8) This led the airline industry to adopt a four-step solution*
16 *called the Primary, Alternate, Contingency, and Emergency*
17 *(P.A.C.E.) procedures.*

18 *(9) Whereas law enforcement officers are in need of ongoing*
19 *training to combat the inhibitors of passive bystandership and to*
20 *promote a culture where officers intervene to prevent other officers*
21 *from violating the constitutional and statutory rights of others.*

22 *(c) It is the intent of the Legislature to direct the Commission*
23 *on Peace Officer Standards and Training to study and adopt a*
24 *training program that is at least as rigorous as the Active*
25 *Bystandership for Law Enforcement training program.*

26 *SEC. 2. Section 13519.10 of the Penal Code is amended to*
27 *read:*

28 13519.10. (a) (1) The commission shall implement a course
29 or courses of instruction for the regular and periodic training of
30 law enforcement officers in the use of force and shall also develop
31 uniform, minimum guidelines for adoption and promulgation by
32 California law enforcement agencies for use of force. The
33 guidelines and course of instruction shall stress that the use of
34 force by law enforcement personnel is of important concern to the
35 community and law enforcement and that law enforcement should
36 safeguard life, dignity, and liberty of all persons, without prejudice
37 to anyone. These guidelines shall be a resource for each agency
38 executive to use in the creation of the use of force policy that the
39 agency is required to adopt and promulgate pursuant to Section

1 7286 of the Government Code, and that reflects the needs of the
2 agency, the jurisdiction it serves, and the law.

3 (2) As used in this section, “law enforcement officer” includes
4 any peace officer of a local police or sheriff’s department or the
5 California Highway Patrol, or of any other law enforcement agency
6 authorized by law to use force to effectuate an arrest.

7 (b) The course or courses of the regular basic course for law
8 enforcement officers and the guidelines shall include all of the
9 following:

10 (1) Legal standards for use of force.

11 (2) Duty to intercede. *The commission shall model the duty to*
12 *intercede training in this paragraph after the Active Bystandership*
13 *for Law Enforcement Project’s curriculum, which shall include*
14 *both classroom instruction and extensive simulator-based training*
15 *or live scenario-based training.*

16 (3) The use of objectively reasonable force.

17 (4) Supervisory responsibilities.

18 (5) Use of force review and analysis.

19 (6) Guidelines for the use of deadly force.

20 (7) State required reporting.

21 (8) Deescalation and interpersonal communication training,
22 including tactical methods that use time, distance, cover, and
23 concealment, to avoid escalating situations that lead to violence.

24 (9) Implicit and explicit bias and cultural competency.

25 (10) Skills including deescalation techniques to effectively,
26 safely, and respectfully interact with people with disabilities or
27 behavioral health issues.

28 (11) Use of force scenario training including simulations of
29 low-frequency, high-risk situations and calls for service,
30 shoot-or-don’t-shoot situations, and real-time force option
31 decisionmaking.

32 (12) Alternatives to the use of deadly force and physical force,
33 so that deescalation tactics and less lethal alternatives are, where
34 reasonably feasible, part of the decisionmaking process leading
35 up to the consideration of deadly force.

36 (13) Mental health and policing, including bias and stigma.

37 (14) Using public service, including the rendering of first aid,
38 to provide a positive point of contact between law enforcement
39 officers and community members to increase trust and reduce
40 conflicts.

1 (c) Law enforcement agencies are encouraged to include, as
2 part of their advanced officer training program, periodic updates
3 and training on use of force. The commission shall assist where
4 possible.

5 (d) (1) The course or courses of instruction, the learning and
6 performance objectives, the standards for the training, and the
7 guidelines shall be developed by the commission in consultation
8 with appropriate groups and individuals having an interest and
9 expertise in the field on use of force. The groups and individuals
10 shall include, but not be limited to, law enforcement agencies,
11 police academy instructors, subject matter experts, and members
12 of the public.

13 (2) The commission, in consultation with these groups and
14 individuals, shall review existing training programs to determine
15 the ways in which use of force training may be included as part of
16 ongoing programs.

17 (e) (1) It is the intent of the Legislature that each law
18 enforcement agency adopt, promulgate, and require regular and
19 periodic training consistent with an agency's specific use of force
20 policy that, at a minimum, complies with the guidelines developed
21 under subdivisions (a) and (b).

22 (2) *Every law enforcement officer shall complete an updated*
23 *course of instruction on the duty to intercede as described in*
24 *paragraph (2) of subdivision (b) every two years.*

25 *SEC. 3. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. Section 639 of the Penal Code is amended to~~
31 ~~read:~~

32 ~~639. (a) Every person who gives, offers, or agrees to give to~~
33 ~~any director, officer, or employee of a financial institution any~~
34 ~~emolument, gratuity, or reward, or any money, property, or thing~~
35 ~~of value for their own personal benefit or of personal advantage,~~
36 ~~for procuring or endeavoring to procure for any person a loan or~~
37 ~~extension of credit from that financial institution is guilty of a~~
38 ~~felony.~~

39 ~~(b) As used in this section and Section 639a, "financial~~
40 ~~institution" means any person or persons engaged in the business~~

1 ~~of making loans or extending credit or procuring the making of~~
2 ~~loans or extension of credit, including, but not limited to, state and~~
3 ~~federal banks, savings and loan associations, trust companies,~~
4 ~~industrial loan companies, personal property brokers, consumer~~
5 ~~finance lenders, commercial finance lenders, credit unions, escrow~~
6 ~~companies, title insurance companies, insurance companies, small~~
7 ~~business investment companies, pawnbrokers, and retirement~~
8 ~~funds.~~
9 (e) ~~As used in this section and Section 639a the word “person”~~
10 ~~includes any person, firm, partnership, association, corporation,~~
11 ~~limited liability company, company, syndicate, estate, trust,~~
12 ~~business trust, or organization of any kind.~~