

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 8, 2021

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 13519.10 of the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

AB 931, as amended, Villapudua. 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 develop training on the duty to intercede, to include, among other elements, a robust discussion of the science of active bystandership. The bill would additionally require ~~every law enforcement officer~~ *specified law enforcement officers* 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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: 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 Intervention Training for Law Enforcement Program.
- 3 (b) The Legislature finds and declares all of the following:
- 4 (1) President Obama’s Task Force on 21st Century Policing
- 5 found that teaching police peer intervention has a powerful
- 6 influence on encouraging and supporting officers to intervene and
- 7 prevent their colleagues from committing acts of serious
- 8 misconduct and criminal behavior.
- 9 (2) Police intervention and peer intervention training in law
- 10 enforcement is seldom offered to law enforcement officers.
- 11 (3) The Active Bystandership for Law Enforcement (ABLE)
- 12 (registered trademark) program was developed by Georgetown
- 13 University Law Center to catalyze cultural shifts in how law
- 14 enforcement officers proactively intervene to reduce the likelihood
- 15 of harm to community members and officers.
- 16 (4) This police intervention and peer intervention training is
- 17 rooted in the studies of multiple experts, including Dr. Ervin Staub,
- 18 a holocaust survivor who has studied the psychology of violence
- 19 and the psychology of passive bystandership for decades.
- 20 (5) Doctor Staub identified passive bystandership as failing to
- 21 take action where circumstances would seem to require action,
- 22 and has worked to develop trainings to advance active
- 23 bystandership.
- 24 (6) Psychologists have identified common inhibitors to active
- 25 bystandership that impact all professions and people of all cultures.
- 26 The common inhibitors include pluralistic ignorance, diffusion of
- 27 responsibility, ambiguity as to whether help is needed, perceived
- 28 costs of providing assistance, concern about negative reactions to

1 intervention, devaluation of the individuals needing assistance,
2 and feelings that people are best able to take care of themselves.

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

8 (8) This led safety advocates to call for the adoption of a
9 four-step solution called “Probe, Alert, Challenge, and Emergency”
10 (P.A.C.E.). ABLE (registered trademark) uses a similar program
11 for law enforcement called “Probe, Alert, Challenge, and Take
12 Action” (PACT).

13 (9) Whereas law enforcement officers are in need of ongoing
14 training to combat the inhibitors of passive bystandership and to
15 promote a culture where officers intervene to prevent other officers
16 from violating the constitutional and statutory rights of others.

17 (c) It is the intent of the Legislature to direct the Commission
18 on Peace Officer Standards and Training to study and adopt ABLE
19 (registered trademark) or a training program that is at least as
20 rigorous and as focused on cultural change as the ABLE (registered
21 trademark) program.

22 SEC. 2. Section 13519.10 of the Penal Code is amended to
23 read:

24 13519.10. (a) (1) The commission shall implement a course
25 or courses of instruction for the regular and periodic training of
26 law enforcement officers in the use of force and shall also develop
27 uniform, minimum guidelines for adoption and promulgation by
28 California law enforcement agencies for use of force. The
29 guidelines and course of instruction shall stress that the use of
30 force by law enforcement personnel is of important concern to the
31 community and law enforcement and that law enforcement should
32 safeguard life, dignity, and liberty of all persons, without prejudice
33 to anyone. These guidelines shall be a resource for each agency
34 executive to use in the creation of the use of force policy that the
35 agency is required to adopt and promulgate pursuant to Section
36 7286 of the Government Code, and that reflects the needs of the
37 agency, the jurisdiction it serves, and the law.

38 (2) As used in this section, “law enforcement officer” includes
39 any peace officer of a local police or sheriff’s department or the

- 1 California Highway Patrol, or of any other law enforcement agency
2 authorized by law to use force to effectuate an arrest.
- 3 (b) The course or courses of the regular basic course for law
4 enforcement officers and the guidelines shall include all of the
5 following:
- 6 (1) Legal standards for use of force.
- 7 (2) (A) Duty to intercede. The commission shall develop
8 training on the duty to intercede training module which shall
9 include, but not be limited to, all of the following elements:
- 10 (i) A robust discussion of the science of active bystandership,
11 including an exploration of social science experiments that help
12 explain the inhibitors to intervention.
- 13 (ii) Interactive facilitated discussions of the inhibitors to
14 intervention, with a special focus on inhibitors at play in a
15 hierarchical organizational structure.
- 16 (iii) Interactive discussions of where, how, and why deliberate
17 intervention training has worked in other professions.
- 18 (iv) Multiple practical skills and tactics targeted at increasing
19 the frequency and effectiveness of interventions, including actual
20 practice using those skills and tactics.
- 21 (v) Interactive discussions of how intervention tactics can be
22 used in a variety of settings, including to prevent misconduct,
23 prevent mistakes, and promote officer health and wellness.
- 24 (vi) Meaningful live, facilitated scenario-based role plays.
- 25 (vii) The mental health and wellness risks of nonintervention.
- 26 (viii) The legal and practical risks of nonintervention.
- 27 (ix) The impact of nonintervention on communities and
28 individual community members.
- 29 (x) A focus on the importance of developing a law enforcement
30 culture in which intervention is not only encouraged, but expected,
31 among members of a law enforcement organization regardless of
32 the risk of the intervenor or the individual being intervened upon.
- 33 (xi) At least eight hours of both classroom instruction and
34 extensive simulator-based training or live scenario-based training.
- 35 (B) The training required pursuant to paragraph (A) shall only
36 be required for law enforcement officers who substantially interact
37 with the public.
- 38 (3) The use of objectively reasonable force.
- 39 (4) Supervisory responsibilities.
- 40 (5) Use of force review and analysis.

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

2 (7) State required reporting.

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

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

7 (10) Skills including deescalation techniques to effectively,
8 safely, and respectfully interact with people with disabilities or
9 behavioral health issues.

10 (11) Use of force scenario training including simulations of
11 low-frequency, high-risk situations and calls for service,
12 shoot-or-don't-shoot situations, and real-time force option
13 decisionmaking.

14 (12) Alternatives to the use of deadly force and physical force,
15 so that deescalation tactics and less lethal alternatives are, where
16 reasonably feasible, part of the decisionmaking process leading
17 up to the consideration of deadly force.

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

19 (14) Using public service, including the rendering of first aid,
20 to provide a positive point of contact between law enforcement
21 officers and community members to increase trust and reduce
22 conflicts.

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

27 (d) (1) The course or courses of instruction, the learning and
28 performance objectives, the standards for the training, and the
29 guidelines shall be developed by the commission in consultation
30 with appropriate groups and individuals having an interest and
31 expertise in the field on use of force. The groups and individuals
32 shall include, but not be limited to, law enforcement agencies,
33 police academy instructors, subject matter experts, and members
34 of the public.

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

39 (e) (1) It is the intent of the Legislature that each law
40 enforcement agency adopt, promulgate, and require regular and

1 periodic training consistent with an agency’s specific use of force
2 policy that, at a minimum, complies with the guidelines developed
3 under subdivisions (a) and (b).

4 (2) Every ~~law enforcement officer~~ *peace officer, as defined in*
5 *Section 830.1 or in subdivision (a), (b), or (c) of Section 830.2,*
6 shall complete an updated course of instruction on the duty to
7 intercede as described in paragraph (2) of subdivision (b) every
8 two years.

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.