

January 13, 2022

Agenda Item 3.e

Prepared by: City of Santa Monica City Attorney's Office

New laws regarding California policing effective January 1, 2022

### [AB-89 Peace Officers: Minimum Qualifications](#)

[Peace Officers Education and Age Conditions for Employment Act – PEACE Act, Government Code Section 10314, Penal Code Section 13511.1](#)

**Summary:** Raises the age limit to be a police officer in the state of California from 18 to 21 while requiring that new officers also have a bachelor's degree. Government Code Section 10314.

A policing degree program will be established by the Chancellor of the California Community Colleges and implemented by the existing Commission on Peace Officer Standards and Training. Penal Code Section 13511.1

**What's new:** Current laws require prospective police officers in California to complete a Peace Officer Standards and Training (POST) program. The current program requires that students hold a high school diploma and be either 18 or older.

This bill, the Peace Officers Education and Age Conditions for Employment Act or PEACE Act, will require the Chancellor of the California Community Colleges to create modern policing criteria to be adopted by the Commission. The program will require students to be 21 or older at time of appointment. Financial aid resources for students in underserved and disadvantaged areas will also be required to be adopted under the PEACE Act.

## AB-481 Funding, Acquisition and Use of Military Equipment, Government Code Sections 7070-7075

**Summary:** Requires the governing body law of enforcement agencies, such as police departments, to pass an ordinance creating a military equipment use policy, during a public meeting, in order to receive and continue using surplus equipment from the U.S. Military.

This policy must be reviewed annually and can be amended by the agency's governing body. For state agencies wishing to use and acquire military surplus equipment, they must also create a policy, post it on their website, review it annually and a copy must be provided to the Governor's Office. Agencies which already operate equipment from the military must now hold a public hearing.

## AB-26 Peace Officers Reporting Potential Excessive Use of Force, Government Code Section 7286

**Summary:** Requires officers to report potential incidents of excessive force and intervene if they witness excessive force that is "clearly beyond that which is necessary." Law enforcement agencies will be required to revise policies to prevent retaliation against officers who report violations of law. Use of force policies must also require that officers who do not intercede when present in cases of excessive force, be disciplined up to and including in the same way the officer who used excessive force was disciplined.

**What's new:** This law clarifies the timeline for officers who report cases of potential excessive force. The law specifies that the reporting of potential cases of excessive force by officers must be "immediate". It also prohibits retaliation when officers report such cases. Also new, officers who witness but do not intercede in cases of excessive force can receive the same discipline as the officer who used excessive force.

## AB-490 Positional Asphyxia, Government Code Section 7286.5

**Summary:** Forbids law enforcement agencies from authorizing methods of transport or techniques that lead to a “substantial risk” of positional asphyxia. Positional asphyxia is placing someone in a position which prevents breathing.

**What’s new:** State laws require that law enforcement agencies have a policy regarding use of force and the Commission on Peace Officer Standards and Training is required to create training regarding use of force. Existing laws prohibit law enforcement agencies from authorizing choke holds or carotid restraints.

This law will add positional asphyxia to the list of techniques not allowed to be authorized by law enforcement officers in California.