



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

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July 14, 2022

The Honorable Anthony Portantino
Senate Appropriations Committee, Chair
State Capitol, Room 412
Sacramento, CA 95814

ASSEMBLY BILL 2547 (NAZARIAN) SUPPORT Senate Appropriations Committee

Dear Senator Portantino:

The Los Angeles District Attorney's Office is pleased to support Assembly Bill 2547 (Nazarian).

In April 2022, the California State Auditor released a report entitled, "Law Enforcement Departments Have Not Adequately Guarded against Biased Conduct," which presented the findings of an audit of five law enforcement departments throughout the state. As part of the audit, the State Auditor reviewed a selection of five internal investigations at each department, reviewed the public social media accounts of approximately 450 officers, and examined agency responses to incidents and allegations of biased conduct. The audit resulted in the following findings and recommendations:

- 1) Require that POST, in the course of its regular audits of local law enforcement departments' hiring processes, determine whether the departments conduct oral interviews that incorporate assessments of officer applicants' ability to interact with a diverse community and interviews of secondary references.
- 2) Require that POST develop guidance for local law enforcement departments on performing effective Internet and social media screening of applicants and specify in state law that departments may request that applicants identify their public social media accounts.
- 3) Require that officers receive training on various topics related to community engagement, cultural awareness and biased conduct.
- 4) Create a definition of biased conduct that departments must use when investigating any bias-related complaint or any incident that involves possible indications of officer bias.
- 5) Require law enforcement departments that analyze officer conduct based on this definition to reach one of the existing formal determinations in state law about whether an allegation is true, and to document a rationale for reaching the determination.
- 6) Require DOJ to develop standard investigative protocols for evaluation of possible biased conduct, and require POST to develop training on how to properly conduct investigations of biased conduct.

AB 2547 enacts two of the audit's recommendations (Recommendations 2 and 4) from the Auditor's report. AB 2547 would require POST to develop a definition of biased conduct which must be used in law enforcement investigations into bias-related complaints and develop guidance for local law enforcement

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agencies on performing effective internet and social media screening of officer applicants. This bill requires that the definition of “biased conduct,” at a minimum, include the following four components:

- 1) Biased conduct includes conduct resulting from implicit and explicit biases.
- 2) Conduct is biased if a reasonable person would conclude so using the facts at hand.
- 3) An officer need not admit biased or prejudiced intent for conduct to reasonably appear biased.
- 4) Biased conduct may occur in an encounter with the public, with other officers, or online, such as conduct on social media.

While implicit bias is almost a universal trait, because of the special position a peace officer occupies in our society we should be obligated to try to identify and correct incidents of implicit bias whenever they are identified. Eliminating implicit bias whenever possible in law enforcement will improve the interactions of law enforcement and the community and to improve the perception of law enforcement in our communities.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



GEORGE GASCÓN
District Attorney

cc: Assembly Member Nazarian