

# 2017 Legislative Update & Strategy Workshop

What happened and how to make  
things happen in the future

# Legislative Reviews

2017 changes in the laws

# Criminal Justice Changes

## ▶ Shared Gang Database (AB 90)

- Revises definition to limit to data bases that are accessed by agencies other than the creating agency
- Shared Gang Databases now under DOJ
- Provides procedure for removal from SGD
- Moratorium on use of SGD until persons who do not meet criteria for inclusion are purged.
- Bill was substantially amended to remove law enforcement concerns

# Criminal Justice Changes

- ▶ Sealing of juvenile records (AB 529)
  - Provides for sealing of juvenile records where petition to declare a minor ward of the court is either dismissed or not sustained.
  - Provides for destruction of that record after a time certain.

## Mandated Reporters (AB 575)

Expands list of mandated reporters to report elder and dependent adult abuse to include substance abuse counselors.

# Criminal Justice Changes

- ▶ Grand Jury Proceedings (AB 1024)
  - Requires release of grand jury transcript if the grand jury decides not to indict in a case that involves a shooting or excessive use of force by a peace officer that led to the death of a person being detained or arrested.

## Expungement (AB 1115)

Expands expungement opportunities to include pre-realignment non violent, non serious, non sex offense felons.

# Criminal Justice Changes

## ► Expansion of Youthful Parole program (AB 1308)

- Raises age of eligibility from 23 to 25 when the inmate committed the commitment offense

## Elderly Parole (AB 1448)

Establishes elder parole program available to inmates who have served 25 years and have reached the age of 60.

## Criminal Justice Information (AB 1518)

Sets deadline dates for compliance with peace officer stop information.

# Criminal Justice Changes

## ► Enhancements for career drug dealers (AB 180)

- Repeals ability to impose enhancements for prior drug trafficking convictions on a current drug trafficking conviction

## Enhancements for use of a firearm (SB 620)

Repeals mandatory enhancements of 10, 20, Life for use of a firearm in connection with certain felonies

# Criminal Justice Changes

- ▶ Custodial Interrogation of Juveniles (SB 395)
  - Requires that 15 and younger suspects must be allowed to consult with an attorney prior to questioning.



# Firearms Changes

- ▶ Open Carry of long guns (AB 7)
  - Closes a loophole in open carry law to prohibit carrying long guns in unincorporated areas where discharge of a firearm is prohibited

## Possession of firearm in school zone (AB 424)

Deletes authority of school authority to permit persons with a concealed weapons permit to carry firearms on campus, with some exceptions.

# Firearms changes

- ▶ Exemptions from Prop 63 (AB 693)
  - Adds persons enrolled in POST training to become sworn peace officers to the list of those exempted from Prop 63 restrictions

## Prohibited Persons (AB 785)

Adds two hate crimes to the list of misdemeanors that cause a person to be prohibited from possessing a firearm for ten years

# Firearms changes

## ► Firearms storage (SB 497)

- Allows a peace officer when leaving a handgun in an unattended vehicle to lock the handgun in the center console.

## Firearms Research (SB 536)

Directs DOJ to share their information related to gun violence restraining orders with UC Firearm Violence Research Center

# Immigration Related Laws

## ▶ Victims and Witnesses (AB 493)

- Prohibits inquiring about immigration status of a victim or a witness to a crime.

## Peace Officers (AB 1440)

Provides that ICE and Border Protection Officers are not peace officers under California law

## Federal Contracts (SB 29)

Prohibits any new contract with either federal government or private entity for the purpose of civil immigration detention.

# Immigration Related Laws

- ▶ Limits on local and state law enforcement in federal immigration enforcement (SB 54)
  - Prohibits local involvement in federal immigration enforcement
  - Does not prohibit transfers to federal custody
  - Does not prohibit ICE access to jails
  - Does not prohibit notifying ICE upon release of an inmate from custody

# Sex Crimes and/or Domestic Violence

## ▶ DNA rape kits (AB 41)

- Requires law enforcement agencies to report rape kit evidence within 120 days of collection of the kit to DOJ

## Protective Orders (AB 264)

Extends protective order protections to percipient witnesses to DV or sex crimes.

## Jurisdiction (AB 368)

Permits joinder in one county where sex crimes against children occurred in multiple counties

# Sex Crimes and/or Domestic Violence

## ▶ Registration (AB 484)

- Expands list of offenses requiring registration to include rape by false pretences, rape under color of authority.

## Teacher Credentialing (AB 872)

Expands the list of offense that require Commission on Teacher Credentialing to suspend a credential.

# Sex Crimes and/or Domestic Violence

- ▶ Video Examination of Victims (AB 990)
  - Expands list of those eligible for video testimony to those who are victims/witnesses to aggravated sexual assault of a child under 14 or sex crimes against a minor under 10.

Victims of Domestic Violence or Sexual assault  
(AB 1312)

Requires Law Enforcement to notify victims of their rights.



# Sex Crimes and/or Domestic Violence

- ▶ Canadian Protective Orders (SB 204)
  - Authorizes enforcement of a Canadian domestic violence protective order in California

## AIDS (SB 239)

Reduces intentional transmission of an infectious disease from a felony to a misdemeanor

## Registration (SB 384)

Establishes a system of tiered sex offender registration

# Bills that Failed or were Vetoed

- ▶ SB 10 and AB 42, Bail Reform
- ▶ AB 1578, State-Federal Cooperation with Marijuana Enforcement
- ▶ AB 186, County Authorized Injection Sites
- ▶ AB 359, Jailhouse informants
- ▶ SB 169, Title IX (Vetoed)

# Let's Take a Break!

- ▶ Come back in ten minutes



# SHAPING PUBLIC POLICY IN SACRAMENTO

HOW IT WORKS



# WHY BOTHER?

- ▶ PROTECT THE PROFESSION
  - NO ONE ELSE SPEAKS EXCLUSIVELY TO FRONT-LINE LAW ENFORCEMENT ISSUES
- ▶ SHAPE PUBLIC SAFETY POLICY
  - IF NOT YOU, WHO?
- ▶ IT'S PART OF YOUR ROLE
  - AN EXTENSION OF YOUR LOCAL ROLE
- ▶ IT HELPS YOUR CAREER

# HOW LAW ENFORCEMENT CAN SHAPE PUBLIC POLICY IN CALIFORNIA

CCUPCA Training November 3,  
2017

# THE POLITICAL LANDSCAPE

- ▶ DEMOCRATIC GOVERNOR ENTERING HIS FINAL YEAR IN OFFICE
- ▶ THE 2018 GOVERNOR'S RACE
- ▶ DEMOCRATIC ATTORNEY GENERAL WHO IS A COUNTERPOINT TO FEDERAL GOVERNMENT
- ▶ A DEMOCRATIC "SUPER-MAJORITY" IN BOTH HOUSES OF THE LEGISLATURE
- ▶ DEMOCRATS ARE IN CHARGE:  
CALIFORNIA IS A ONE PARTY STATE

# THE GENERIC LEGISLATIVE PROCESS

- ▶ STATE LEGISLATORS ARE DIFFERENT FROM CITY COUNCIL OR OTHER GOVERNING BODY MEMBERS
- ▶ THEY VOTE THE WAY THEIR LEADERSHIP DIRECTS
- ▶ CLOSED DOOR CAUCUS SESSIONS
- ▶ STAFF "BRIEFINGS" BEFORE COMMITTEE
- ▶ LITTLE TOLERANCE FOR BI-PARTISANSHIP



# THE CAUCUS REALITY

- ▶ MEMBERS VOTE AS THEY ARE TOLD  
UNLESS THEY HAVE DISTRICT PRESSURE
- ▶ DISTRICT PRESSURE IS THE ONLY EXCUSE  
FOR DEVIATING FROM THE PARTY LINE
- ▶ BIPARTISANSHIP IS NOT TOLERATED
- ▶ THIS DYNAMIC APPLIES TO BOTH PARTIES

# SOME OF THE ISSUES COMING THIS YEAR

- ▶ BAIL "REFORM"
- ▶ LOCALLY AUTHORIZED SHOOTING GALLERIES
- ▶ BODY WORN CAMERA ISSUES
- ▶ OFFICER INVOLVED SHOOTING ISSUES
- ▶ ISSUES OF COOPERATION WITH FEDERAL GOVERNMENT
- ▶ JAILHOUSE INFORMANT ISSUES

# MORE ISSUES

- ▶ SENTENCE "REFORM"
- ▶ PAROLE ISSUES
- ▶ PER-SE DRUGGED DRIVING

# WHY YOU'RE NEEDED

- ▶ IF NOT YOU, WHO?
- ▶ ONLY YOU SPEAK FOR FRONT-LINE PUBLIC SAFETY
  - DEFENSE BAR
  - ACLU
  - DRUG POLICY ALLIANCE
  - NON-FRONT LINE LAW ENFORCEMENT AND THEIR MULTIPLE RESPONSIBILITIES
  - PUBLIC DEFENDERS
  - DISTRICT ATTORNEYS

# ARE YOU PART OF A LEGISLATOR'S DISTRICT?

- ▶ EVERY ASSEMBLY DISTRICT HAS ABOUT 450,000 SOULS; DOUBLE THE SOULS IN SENATE DISTRICTS
- ▶ ABOUT 140,000 VOTE IN EACH ASSEMBLY DISTRICT, 280,000 IN EACH SENATE DISTRICT
- ▶ NONE OF THESE PEOPLE ARE REPRESENTED

# IF YOU'RE NOT AT THE TABLE, YOU'RE ON THE MENU

- ▶ THE ORDINARY PEOPLE IN A LEGISLATOR'S DISTRICT ARE NOT AT THE TABLE; THEY ARE FUNGIBLE, THEIR LEGISLATORS DO NOT CARE ABOUT THEIR INDIVIDUAL WISHES.
- ▶ HOW TO WATCH A LEGISLATOR'S OFFICE GLAZE OVER.

# WHO IS REPRESENTED? WHAT'S THE REAL DISTRICT?

- ▶ THE 50 EARLY CONTRIBUTORS TO THE WINNER THE FIRST TIME THEY RAN
- ▶ THE 20 CAMPAIGN VOLUNTEERS FROM THAT FIRST CAMPAIGN
- ▶ WHEN LEGISLATOR IS ELECTED THE FIRST TIME, THEIR "REAL" DISTRICT IS JUST 70 PEOPLE

# ONCE IN OFFICE, A LEGISLATOR LISTENS TO...

- ▶ THEIR LEGISLATIVE LEADER AND STAFF – SIX PEOPLE
- ▶ THEIR CAUCUS LEADERSHIP TEAM – ANOTHER FIVE
- ▶ LEGISLATIVE STAFF, ABOUT FIVE
- ▶ THEIR OWN SACRAMENTO STAFF, FIVE
- ▶ THEIR DISTRICT STAFF, TWO



# LISTENING TO. . . (CONT'D)

- ▶ THEIR MAJOR SUPPORTERS, ABOUT TEN FOLKS
- ▶ MAJOR CAPITOL INTERESTS, ANOTHER TWENTY FIVE
- ▶ ABOUT FIFTY LOBBYISTS
- ▶ TWENTY-TWO REPORTERS, GIVE OR TAKE
- ▶ ANOTHER FIFTY WITH A DISTRICT PRESENCE.

# THE NUMBERS

- ▶ 450,000 ARE IN EACH ASSEMBLY DISTRICT
- ▶ ONLY 250 PEOPLE ARE LISTENED TO AT ALL
- ▶ IF YOU'RE A SENATOR, YOU HAVE 900,000 IN YOUR DISTRICT
- ▶ BUT YOU ONLY LISTEN TO ABOUT THAT SAME 250 PEOPLE.

# WHAT DOES THIS MEAN?

- ▶ THE 250 MAKE THE LAWS
- ▶ NO BILL BECOMES LAW WITHOUT THE ACTIVE SUPPORT OF SOME PEOPLE AMONG THE 250
- ▶ IT'S THE REAL LEGISLATIVE PROCESS
- ▶ IF YOU'RE NOT AMONG THE 250, YOU'RE NOBODY

# BECOMING PART OF THE 250

- ▶ THE GOOD NEWS: ANYONE CAN DO IT AND LAW ENFORCEMENT PROFESSIONALS, BECAUSE OF THEIR STAR QUALITY, ARE UNIQUELY POSITIONED TO BECOME PART OF THEIR LEGISLATOR'S 250.
- ▶ THE BAD NEWS: IT TAKES A TIME COMMITMENT .

# TODAY'S FOCUS:

- ▶ BECOMING PART OF THE 250
- ▶ OR, BECOMING PART OF THEIR REAL DISTRICT, SO THEY CAN SAY "NO" WHEN THEIR LEADERSHIP TELLS THEM TO VOTE A CERTAIN WAY.

# ARE YOU ALREADY PART OF THE 250?

- ▶ THE IMPORTANCE OF AN INVENTORY
- ▶ MANY ORGANIZATIONS SEND OUT AN EMAIL ASKING IF THEIR MEMBERS KNOW OR ARE RELATED TO A LEGISLATOR, A STAFF MEMBER, A CAPITOL REPORTER, OR SOMEONE OF IMPORTANCE TO THE LEGISLATOR
- ▶ IF YOU'RE NOT, THERE IS WORK TO DO

# GOOD NEWS: YOU CAN BE PART OF THE "REAL" DISTRICT

- ▶ ALL IT TAKES IS TIME AND PATIENCE
- ▶ RESULTS WILL ALWAYS COME
- ▶ STEP ONE: MEET THE LEGISLATOR, THEY WANT TO MEET YOU, YOU HAVE STAR POWER
  - DISTRICT OFFICE FRIDAYS
  - GO INDIVIDUALLY OR IN A SMALL GROUP
  - COMMUNITY MEETINGS
  - MEET THEM, DON'T LOBBY THEM!

# STEP TWO: THE INTRODUCTION

- ▶ TELL THEM WHO YOU ARE
- ▶ TELL THEM WHAT YOU DO
- ▶ TELL THEM WHERE YOU ARE
- ▶ TELL THEM WHY WHAT YOU DO IS IMPORTANT TO THEM
- ▶ REMEMBER YOU HAVE STAR POWER



# STEP THREE: BEING HELPFUL

- ▶ OFFER YOURSELF AS A RESOURCE
- ▶ PARTICIPATE IN THEIR COMMUNITY MEETINGS
- ▶ MENTION THEM IN YOUR NEWSLETTER OR WEBSITE
- ▶ HELP WITH CONSTITUENT COMPLAINTS
- ▶ POLICE RIDE-ALONGS!!!!!!!!!!!!
- ▶ REMEMBER IT IS NOT HELPFUL TO ASK!!!

# STEP FOUR: BE SEEN AS INVESTING IN THEIR FUTURE

- ▶ TRUTH: THE MOST IMPORTANT THING TO AN ELECTED OFFICIAL IS GETTING ELECTED AGAIN
- ▶ YOUR OBJECTIVE: BE SEEN BY THEM AS BEING PART OF THEIR MOST IMPORTANT OBJECTIVE
- ▶ THEY NEED YOU IF THEY ARE GOING TO ADVANCE

# STEP FIVE: THE NEGLECTED DISTRICT STAFF

## ▶ DISTRICT OFFICE STAFF

- WHO THEY ARE
- THEIR ROLE
- YOU MAKE THEM MORE IMPORTANT
- YOUR SUCCESS IS THEIR SUCCESS
- KEEP IN TOUCH
- INVITE THEM TO STUFF

# STEP SIX: ADVOCACY

- ▶ PHONE CALLS TO LEGISLATOR OR THEIR KEY STAFF IF LEGISLATOR IS NOT AVAILABLE.
- ▶ TESTIMONY
- ▶ PRESS STORIES?
- ▶ THE BEST: FACE TO FACE
- ▶ TELL STORIES, DON'T "STATE POSITIONS"

# BEING ONE OF THE 250

- ▶ IT'S NOT A GUARANTEE, IT JUST GETS YOU IN THE GAME
- ▶ YOU ARE STILL COMPETING AGAINST 249 OTHERS
- ▶ IN SOME WAYS THEY ARE STRONGER
- ▶ IN SOME WAYS YOU ARE STRONGER
- ▶ YOU HAVE FRIENDS AMONG THE 249, THEY ARE NOT ALL RIVALS

# 250 = OPPORTUNITY

- ▶ IF YOU DON'T SEIZE THAT OPPORTUNITY, IT'S NOT LOST
- ▶ OPPORTUNITIES ARE NEVER LOST



# UNSEIZED OPPORTUNITIES

▶ THEY JUST GO TO SOMEONE ELSE!



# HELP IS ALWAYS AVAILABLE

- ▶ 916-261-7188 (CELLULAR)
- ▶ CAN ALSO TEXT CELLULAR PHONE
- ▶ [jlovell@johnlovell.com](mailto:jlovell@johnlovell.com)