

## Assembly Bill 797 ([Weber D-79](#)) – Civilian Police Review Commission

### Summary

Communities of color and individuals with mental and other disabilities are unjustly and disproportionately harmed by biased, incomplete, and secretive investigations of their complaints of police officer misconduct. A.B. 797, by creating in each City and County, a civilian police review commission, offers justice to all California neighborhoods by improving transparency of investigations and accountability for injuries caused by police practices. This bill will promote community confidence in the integrity of these investigations and will foster trust between community and law enforcement in a manner never before experienced by either side.

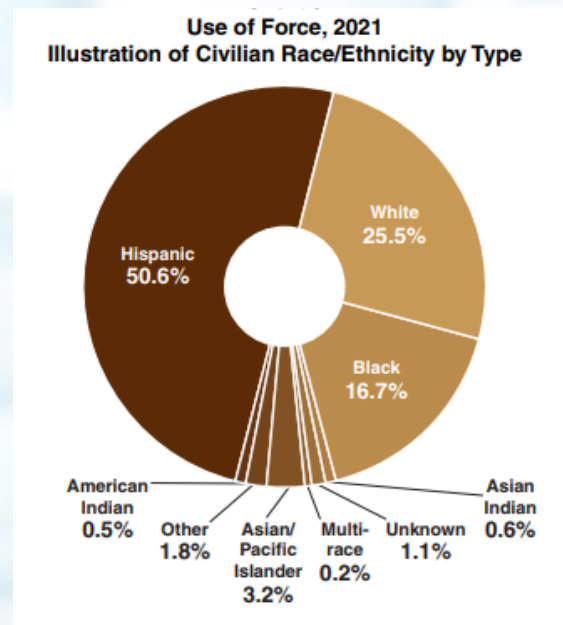
### Background

Most civilian complaints, including complaints of physical injury, are investigated by the agency that employs the accused officer. Frequently, the conduct is reviewed by the employer's Internal Affairs Unit. Understandably, given the tragic, recorded instances of police misconduct, Californians have demanded independent oversight of civilian complaints.

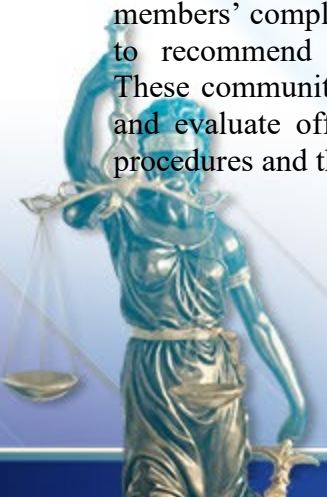
In response, police review commissions have been established throughout the state, including in San Diego, Oakland, Los Angeles, San Francisco, and Sacramento. These commissions were created to investigate community members' complaints of officer misconduct, and to recommend discipline where appropriate. These community-led commissions also review and evaluate officer compliance with policies, procedures and the administration of discipline.

Unfortunately, many of these commissions are expected to share staff with the agencies they are tasked to investigate—this is a clear conflict of interest. Regrettably, other local governing bodies in California have still not established any of these needed community-led commissions, and they offer their communities no independent oversight of civilian complaints whatsoever.

AB 797 is founded on a basic truth: an independent investigation requires investigators and attorneys who are impartial and unconnected to the subject of the investigation. Yet the bill is still narrowly tailored, focusing on complaints of serious physical injury or the death of any person, providing for local governing bodies to choose their commissioners pursuant to their own procedures in the context of their own unique needs and priorities, and providing that the results of the investigation and recommended course of action, if any, are to be seriously and carefully considered, but that they are non-binding on the local governing bodies.



*Black people make up just [5%](#) of California's population. Yet, as [shown](#) Black people are disproportionately impacted by police use of force.*



## Existing Law

California requires every agency that employs law enforcement officers to have a procedure for investigating civilian complaints. (Penal Code § 832.5). However, state law does not mandate the transparency and civilian participation that is the hallmark of civilian oversight commissions. AB 797 fills a gap in the law.

## Solution

Californians need policy that holds officers accountable and increases the public's trust. AB 797 is directly responsive to Californians' desire for truly independent investigations, transparency and accountability.

This bill ensures that civilian review commissions established in each city and county will have the independent resources to conduct investigations into physical injury complaints, without relying entirely on the employer's Internal Affairs Unit. AB 797 facilitates meaningful independent oversight of city and county law enforcement agencies through accountability and transparency.

## About CABL

CABL was established in 1977 primarily to change the face of California's judiciary, and eradicate the roots and causes of racism, and vigorously defend Black people from those who would consciously or otherwise deny us basic human and legal rights. Today, CABL is organized around 9 affiliate bar associations in California and represents the interests of more than 6,000 African American attorneys, judicial officers, law professors and law students. CABL is an affiliate of the National Bar Association.

