

**STATE OF CALIFORNIA**  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 10/20)

<b>Fiscal Year</b> 2022-23	<b>Business Unit</b> 0820	<b>Department</b> Department of Justice	<b>Priority No.</b> 1
<b>Budget Request Name</b> 0820-053-BCP-2022-GB		<b>Program</b> Division of Law Enforcement	<b>Subprogram</b> Bureau of Investigation

**Budget Request Description**

Police Use of Force

**Budget Request Summary**

The Department of Justice (DOJ) requests 7.0 positions and General Fund spending authority of \$2.3 million in 2022-23 and \$1.6 million in 2023-24 and ongoing to physically appear and respond to events pursuant to Chapter 326, Statutes of 2020 (AB 1506).

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	
<b>Does this BCP contain information technology (IT) components?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	<b>Department CIO</b>	<b>Date</b>

**For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.**

**Project No. Project Approval Document:**

**Approval Date:**

**If proposal affects another department, does other department concur with proposal?**  Yes  No

*Attach comments of affected department, signed and dated by the department director or designee.*

<b>Prepared By</b> Stephen Woolery	<b>Date</b> 1/10/2022	<b>Reviewed By</b> John Marsh	<b>Date</b> 1/10/2022
<b>Department Director</b> Chris Ryan	<b>Date</b> 1/10/2022	<b>Agency Secretary</b>	<b>Date</b>

**Department of Finance Use Only**

**Additional Review:**  Capital Outlay  ITCU  FSCU  OSAE  Dept. of Technology

<b>PPBA</b> Mark Jimenez	<b>Date submitted to the Legislature</b> 1/10/2022
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## A. Budget Request Summary

The Department of Justice (DOJ) requests 7.0 positions and General Fund spending authority of \$2.3 million in 2022-23 and \$1.6 million in 2023-24 and ongoing to physically appear and respond to events pursuant to Chapter 326, Statutes of 2020 (AB 1506) DOJ seeks the following resources:

<b>Division of Law Enforcement (DLE)</b>	<b>2022-23</b>	<b>Ongoing</b>
Special Agent Supervisor	1.0	1.0
Special Agent	3.0	3.0
Senior Criminalist	2.0	2.0
Crime Analyst III	1.0	1.0
<b>Total Positions</b>	<b>7.0</b>	<b>7.0</b>
<b>Total Funding</b>	<b>\$2,281,000</b>	<b>\$1,609,000</b>

## B. Background/History

In recent years, there has been a dramatically heightened public interest in Officer Involved Shooting (OIS) incidents, particularly those resulting in the death of unarmed civilians. Each time a law enforcement related death occurs, the Department of Justice (DOJ) has been inundated with calls and letters regarding the incident(s), despite the fact that these cases were reviewed by local law enforcement agencies (LEAs) prior to the implementation of Assembly Bill 1506 (Chapter 326, Statutes of 2020). These events are traumatic for victims, their families, law enforcement officers, their agencies, and the communities they serve.

An OIS is defined as the discharge of a firearm by a peace officer. The passage of AB 1506 requires the Office of the Attorney General (OAG) to investigate OIS incidents that result in the death of an unarmed civilian. The unique definitions of "deadly weapon" and "unarmed civilian" expand the number of cases that the OAG may be required to investigate.

Maintaining the public's trust is directly correlated with law enforcement's commitment to transparency and accountability for the actions of its employees. The investigation of an OIS involves a precise and systematic investigative process to ensure a complete and thorough review of the incident. The final adjudication of an investigation and the corresponding results affect not only the involved officers, but also the department and the community as a whole.

The findings of an investigation impact the decision of whether criminal charges are warranted and may provide the basis for administrative discipline that may ensue, as well as liability of the officers, the department, or the parent jurisdiction. Ultimately, the impact of an OIS investigation extends well beyond the single incident, affecting community trust for law enforcement and potentially changing law enforcement procedures, policies, and risk management strategies.

## Analysis of Problem

### Resource History

(Dollars in thousands)

Division of Law Enforcement – Bureau of Investigation (BI)					
Program Budget	2016-17	2017-18	2018-19	2019-20	2020-21
Authorized Expenditures	48,332	45,970	51,648	57,500	55,099
Actual Expenditures	35,315	33,000	38,530	38,365	34,037
Authorized Positions	203.0	191.0	208.0	224.0	191.0
Filled Positions	153.0	150.0	143.0	137.0	130.0
Vacancies	50.0	41.0	65.0	87.0	61.0

In response to the passage of AB 1506 on September 30, 2020, DOJ received an initial appropriation of \$15.3 million in 2021-22 and \$15.6 million in 2022-23 and ongoing, which provided initial resources to address preliminary day-to-day operations and acquisition of equipment. After an exhaustive statewide study of California law enforcement agencies, attendance in approximately 600 hours of OIS related specialized training, a review of best practices, and most recently, experience in responding to OIS incidents, the DLE has determined that additional staffing and specialized equipment are needed to effectively meet mandates of AB 1506.

Over the past few months, DLE has seen first-hand that OIS incidents are complex, powerful and emotionally charged events for the local community, the police agency involved, and the DLE CaPSIT special agents and Bureau of Forensic Sciences (BFS) criminalists. These incidents require a rapid response from DLE CaPSIT special agents and criminalists. These are critical incidents which leave very little time for deliberation and consultation prior to arrival to the OIS scene. The start of this type of critical incident is chaotic, stressful and intimidating. Therefore, it is imperative that DLE not only provide training to the CaPSIT special agents, but also DLE should also provide necessary, specialized equipment so DLE will be better prepared to respond and manage these critical incidents.

On July 15, 2021, the California Police Shooting Investigation Team (CaPSIT) Southern region deployed to the Hollywood area of city of Los Angeles to investigate an AB 1506 qualifying OIS event. Unlike many incidents, this event had one relatively contained crime scene. The CaPSIT deployed a total of 12.0 Special Agents (SA) due to the complexity of OIS investigations, although the current funding model only supports the deployment of 2.0 special agents and 1.0 Special Agent Supervisor (SAS) to each incident. Upon arrival to this AB 1506 qualifying event, the CaPSIT special agents integrated into the many investigative aspects ranging from the interviewing of key witnesses to crime scene consultation and assessment, to the canvassing of local businesses to acquire video camera footage evidence.

Despite the contained crime scene, the CaPSIT leadership learned immediately their deployment numbers were inadequate to investigate the incident without assistance from the impacted agency. There were dozens of tasks and assignments that the CaPSIT special agents could not accomplish because of limited staffing. Comparatively, the Los Angeles Police Department (LAPD) deployed approximately 70 officers, detectives, and/or support staff who could handle a wide array of critically important tasks and assignments. If there had been multiple crime scenes, the CaPSIT would have been unable to lead the investigation, or even adequately contribute to the investigation, with the existing resources allocated to the program.

The above concerns regarding insufficient resources again became a reality on August 7, 2021. The CaPSIT Southern region deployed to the city of Bakersfield to investigate another AB 1506 qualifying event. Unlike the Los Angeles incident on July 15, 2021, this OIS incident had three crime scenes and five officers involved in the shooting (and five additional witnesses-officers). The involved agency, the Bakersfield Police Department (BPD), did not have the same resources as the LAPD during this incident. The CaPSIT special agents took on a significantly larger portion of the workload, which required the deployment of all available

## Analysis of Problem

Southern California CaPSIT special agents. It is not realistic to expect special agents to be available 24 hours a day, 7 days a week. All law enforcement agencies, as well as the public sector, have staffing available to cover this type of mandate with multiple teams with staggered and modified scheduling. As a result, the initial crime scene response and assessment lasted significantly longer than the LAPD incident, approximately 18 hours. Once again, it was quickly determined the CaPSIT program was severely understaffed and limited in their capabilities.

On August 9, 2021 the CaPSIT Southern region deployed to the city of Tustin to investigate another AB 1506 qualifying event. The Orange County District Attorney's Office (OCDA) notified CaPSIT and worked collaboratively with CaPSIT as special agents and criminalists arrived, however, the crime scene investigation and the handling of the shooting officer and officer witnesses was complete. CaPSIT work on this OIS deployment was almost completely "after the fact." The shooting occurred at approximately 10:15 AM. CaPSIT personnel were notified at approximately 2:00 pm of the potential qualifying event. The delay in notification occurred because OCDA was unsure if an object in possession by the decedent constituted a "deadly weapon" and, therefore, whether it was a qualifying event under AB 1506. CaPSIT personnel arrived on scene at approximately 4:00 PM. CaPSIT would have had to rely on the Orange County DA's office had CaPSIT arrived sooner due limited special agent resources. The CaPSIT deployment to the city of Bakersfield occurred two days prior to the Tustin deployment which tied up a portion of the full complement of available CaPSIT special agents. Again, due to the limited funding, our deployment models have to take into account special agents who are already fully assigned to other OIS matters. Additionally, there was body worn video and in car video that needed processing and review. CaPSIT does not possess the equipment and specialized training related to the triage of digital video evidence. CaPSIT had to rely on the Tustin PD and OCDA Office to provide copies of the video to CaPSIT special agents. CaPSIT needs to have the ability to independently extract, review, and store digital evidence.

On August 21, 2021, the CaPSIT deployed to the city of Guadalupe in Santa Barbara County to investigate another AB 1506 qualifying event, which brought new challenges that underscores the reality that each of these deployments are unique and has the potential to require the full complement of regional DLE CaPSIT resources for a single OIS incident. After a two-hour delay in notification to the CaPSIT, special agents assigned to the Southern Region deployed shortly before midnight to respond to the incident. The response time was approximately three hours. Upon CaPSIT's arrival, special agents immediately took the lead role as the Guadalupe PD's resources were limited due to the size of the police department, which includes 11 full-time sworn officers and 2-two part-time officers. The Santa Barbara County Sheriff's Office (SBSO), which notified the CaPSIT of the incident, completely departed within a few hours of the CaPSIT agents arriving on scene. Additionally, because the Guadalupe PD only has patrol officers and no detectives, they did not have the investigative capacity to assist.

Although the current funding model provides for the assignment of one SAS and two SAs to an AB 1506 QE, due to the lack of local assistance, the CaPSIT responded to the Guadalupe PD QE with all available special agents not assigned to recent active OIS investigations. A total of two SASs and six SAs responded to the city of Guadalupe – resources that were insufficient to fully contain the scene and investigate the incident. When the SBSO patrol officers departed the scene, only one CaPSIT SA was available to provide scene security and traffic management for BFS criminalists. Additionally, the BFS criminalists were required to take on a more active role related to the processing and analyzing of evidence which is not provided for in the current funding model. In fact, approximately two days after the incident, the SBSO crime lab requested that the CaPSIT retrieve all evidence that had been collected by the SBSO. The evidence was taken from the SBSO to be analyzed by BFS criminalists. Lack of specialized equipment to address the older technology utilized by the Guadalupe PD was also initially an issue in this case.

Each deployment is extremely complex and unique, and the successful outcome of the case is highly dependent on CaPSIT having enough resources including highly trained, skilled and available special agents and criminalists that can respond to any part of the state at any time to handle these critical incidents.

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Since July 1, 2021, the AB 1506 implementation date has created "real world" data. We are no longer solely reliant on statistics and analyses utilizing annual use of force reporting pursuant to Assembly Bill 71, "Criminal Justice: Reporting," Chapter 462, Statutes of 2015 (AB 71). The actual information received in a practical environment, based on the July 15, 2021, deployment has confirmed the DLE's CaPSIT program was understaffed and in need of additional funding to fulfill the AB 1506 mandate.

Maintaining the public's trust is directly correlated with law enforcement's commitment to transparency and accountability for the actions of its employees. The investigation of an AB 1506 qualifying event involves a precise and systematic investigative process to ensure a complete and thorough examination of the incident. The final adjudication of the investigation and the corresponding results impact not only the involved officers, but also the department and the community as a whole.

The amount of resources requested is imperative in ensuring the DLE's ability to respond to AB 1506 qualifying events and conduct complete and thorough independent investigations, which will withstand the scrutiny of subsequent reviews by civilian and law enforcement panels, as well as criminal and civil courts in the federal and state justice systems. Only with the additional resources, can the DLE's CaPSIT program produce the most comprehensive, thorough, accurate, and timely investigations possible that can be confidently relied upon by all concerned.

## DLE Workload History

The AB 1506 mandate became effective July 1, 2021. As of December 17, 2021, the DLE's CaPSIT program has responded to eight qualifying events. Some examples of these qualifying events include the following: On July 15, 2021, in Los Angeles, the CaPSIT responded to an AB 1506 qualifying event and directed an investigation involving two LAPD officers that shot and killed an unarmed civilian. On August 7, 2021, the CaPSIT responded to another AB 1506 qualifying event and directed an investigation involving five Bakersfield Police Department officers that shot and killed an unarmed civilian. On August 9, 2021, the CaPSIT responded to another AB 1506 qualifying event where a Tustin Police Department officer shot and killed an unarmed civilian. On August 21, 2021, the CaPSIT deployed to another AB 1506 QE involving Guadalupe Police Department officers that shot and killed an unarmed civilian.

The CaPSIT program also has been contacted on twenty one additional occasions by law enforcement agencies since July 1, 2021, for purposes of determining whether or not an OIS incident was a qualifying AB 1506 event. Many of those incidents, later determined not to be qualifying events, required the CaPSIT personnel to respond to the scene for a first-hand assessment. Several of those OIS incidents were determined to be non-qualifying events only after immediate medical attention was provided to the civilian, and the civilian survived the shooting incident. Other incidents required the CaPSIT personnel to review police body worn video recording devices of the incident at the scene and remain at the scene for the Coroner's Office to arrive in order to search the deceased for a weapon before it could be determined whether the incident was a qualifying event. Additionally, the CaPSIT program is currently conducting investigative case reviews of three OIS incidents referred by the Attorney General's Office, that occurred prior to July 1, 2021, which would have been qualifying AB 1506 events had they occurred after July 1, 2021.

AB 1506 Qualifying Event Investigations	8
AB 1506 Non-Qualifying Events (that required a response)	21

\*All investigations conducted from July 1, 2021, to December 17, 2021.

## Analysis of Problem

### C. State Level Consideration

AB 1506 added Government Code section 12525.3, which establishes substantial new functions for the OAG. AB 1506 requires the Attorney General to investigate incidents of an OIS resulting in the death of an unarmed civilian, prepare a written report, and post all reports on a public internet website. AB 1506 eliminates the Attorney General's discretion to conduct an investigation regarding a local law enforcement officer's use of deadly force or a local agency's deadly force policies. The DOJ does not require LEAs to reimburse any costs for compliance with AB 1506 implementation.

Commencing July 1, 2023, the Attorney General is required to operate a Police Practices Division to review, upon the request of a local LEA, the use of deadly force policies of that LEA and make recommendations. A subsequent proposal may be submitted to request resources to address the workload associated with this new division as necessary. While the Legislature sets general parameters for law enforcement, there is often a very wide span of area in which LEAs have the ability to craft policies for policing in their jurisdiction. The Attorney General has the responsibility to ensure that LEAs deliver policing services in a manner that is constitutional. The DOJ has primary responsibility to monitor and, where necessary, initiate investigations or other reviews and/or enforcement actions to maintain optimal policing standards. These civil systemic reviews and investigations are distinct from investigations or reviews of specific incidents, which are often criminal in nature and limited to the facts having taken place with a narrow window of time. The DOJ investigations capture data of the practices of an LEA over the course of years and conclude with a judgement that often include many years of mandated oversight by an independent monitor answerable to DOJ. The reviews are critical to effectuating cultural shifts in law enforcement, including rooting out systemic bias, eliminating patterns or practices that result from long-running lack of effective supervision and management, and structural deficiencies that prevent better practices from taking root across California.

### D. Justification

AB 1506 requires the DOJ to investigate all OIS incidents resulting in the fatality of a civilian who was not armed with a deadly weapon. The DLE continues to consult with LEAs to best determine resources needed to conduct the extensive workload requirements of AB 1506. To date, in addition to the current reviews and investigations being conducted by the CaPSIT, the DLE has observed five different local police or sheriff's departments respond to more than 16 OIS incidents since January 2021. These firsthand observations allowed the DLE to witness local agencies' initial crime scene response and investigation. These firsthand observations also allowed the DLE to observe current industry practices, including response personnel, technology, and equipment necessary to conduct OIS investigations.

Based on available data, it was determined that OIS incidents account for roughly 140 civilian fatalities per year. Approximately 14 percent (20 cases) of those OIS incidents involved civilians who were armed with a type of weapon. Of the remaining 120 cases, an average of seven percent involved a civilian armed with a replica firearm (nine cases), which would not qualify as a deadly weapon under AB 1506. In addition, a number of the remaining cases – roughly 11 according to DOJ estimates – involved civilians armed with objects that do not qualify as a deadly weapon under AB 1506. Thus, the DOJ expected to investigate approximately 40 cases each year: 20 cases involving unarmed civilians; nine cases involving civilians who are armed with replica firearms; and 11 cases involving civilians armed with objects that do not qualify as a deadly weapon.

## Analysis of Problem

<b>Anticipated Investigations Under AB 1506</b>	
Unarmed Civilians	20
Unarmed Civilians with Replica Weapon	9
Armed Civilians with Object	11
<b>Total</b>	<b>40</b>

Not until recently has the law enforcement community implemented measures to track OIS incidents locally, regionally, and nationally to provide factual data on OIS incidents. The purpose of the data collection is to help law enforcement and the community to better document and understand the shooting incidents, which would better enable preventive efforts, including improved policy, training, and procedures. However, in order to accomplish this goal, it requires consistent participation by law enforcement across the state, and the nation. Law enforcement would need full participation in order to generate enough data to draw reasonable conclusions. Additionally, assuming there is full participation, the process would take several years of collecting data to truly provide accurate results.

In an effort to gain additional OIS data, the Department of Justice Research Center (DOJRC) analyzed historical data and prepared an estimate of the number of OIS incidents that would qualify under AB 1506. Additionally, DOJRC was asked to verify the previous estimate of 40 cases per year. To calculate the average number of AB 1506-related OIS incidents as well as verify the previous estimate of 40 cases per year, the DOJRC used the DOJ data mandated by AB 71. The DOJRC determined, depending upon the parameters used to determine what OIS incidents fall under AB 1506, there may be an average of 16, 25, or 78 cases that fall under the bill and the DLE's purview per year (further detailed below).

To address the varying level of uncertainty in the data collection, the DOJRC provided three different estimates using historical OIS incidents that could require DOJ investigation had they occurred under the requirements of AB 1506. The three estimates are provided for all years of AB 71 data collection that started in 2017.

**Estimate A** (16 cases) includes observations where:

- The individual injured was a civilian,
- The discharge of a firearm resulted in the civilian being hit by a bullet,
- The individual died,
- And the individual was confirmed *not armed*.

**Estimate B** (25 cases) includes observations where:

- The individual injured was a civilian,
- The discharge of a firearm resulted in the civilian being hit by a bullet,
- The individual died,
- And the individual was confirmed to be armed.
- However, upon examination, the individual was carrying a replica firearm.

Together, Estimates A and B satisfy the definition of an "unarmed" civilian.

**Estimate C** (78 cases) includes observations where:

- The individual injured was a civilian,

## Analysis of Problem

- The discharge of a firearm resulted in the civilian being hit by a bullet,
- The individual died,
- And the individual was confirmed to be armed.
- However, upon examination, the individual was carrying an “other dangerous weapon” or “knife, blade, or stabbing instrument.”

The results of **Estimate C** may fluctuate because the vague category of “other dangerous weapon” must match the definition of “deadly weapons” under AB 1506, which includes other factors such as how the weapon was presented at the time of the OIS incident. In some cases, the civilian would be considered armed, while in other cases the civilian could be considered unarmed. However, the DOJRC recommends that these instances be included since not including them could underestimate the true number of unarmed civilians, and therefore the number of investigations mandated by AB 1506.

Year	Estimate A	Estimate B (A+B)	Estimate C (A+B+C)
2016	26	8 (34)	55 (89)
2017	18	8 (26)	50 (76)
2018	11	11 (22)	42 (64)
2019	15	7 (22)	52 (74)
2020	14	8 (22)	64 (86)
<b>Average Total</b>	16.8	25.2	77.8

**Estimate A**, the most conservative estimate of OIS incidents involving unarmed civilians, estimates between 11 and 26 incidents per year. On average, it estimates 16.8 incidents a year that would require investigation by DOJ.

**Estimate B**, which includes unarmed civilians and civilians carrying firearm replicas, estimates between 22 and 34 incidents per year. On average, there are 25.2 incidents a year that would require investigation by DOJ.

**Estimate C**, includes unarmed civilians, civilians carrying firearm replicas, and civilians with other types of dangerous weapons, which could possibly include deadly weapons defined under AB 1506. There is an estimated 64 to 89 incidents a year, with an average of 77.8 that could require investigation by DOJ.

For the purposes of this request, the DLE is still confident the original estimate of 40 cases a year is the most accurate. The DOJRC findings support the DLE's estimate of 40 cases when totaling Estimate A (16.8 cases), Estimate B (25.2 cases), and Estimate C (77.8 cases), and calculating the average, resulting in 39.9 cases a year. Ultimately, due to the unpredictability of OIS events, the total number of cases can fluctuate year to year based on a variety of human factors, and the impact that it has on local law enforcements' budgets, training standards, equipment, protocols, policies and procedures. At this time, providing an estimate of less than 40 cases could result in DOJ not only being unable to meet the requirements mandated by AB 1506, but jeopardize California constituents' trust in DOJ to be able to conduct a complete, thorough, and unbiased investigation of local law enforcement OIS incidents resulting in the death of an unarmed civilian.

## ADDITIONAL INVESTIGATION RESPONSIBILITIES



## Analysis of Problem

In addition to responding to and investigating the qualifying AB 1506 OIS incidents, the DLE also needs to be prepared to handle parallel or underlying criminal investigations directly related to the incident. At times, the underlying criminal activity that led to police intervention is inextricably enveloped into the same investigation as the OIS incident. Pursuant to AB 1506, the DOJ is only required to assume responsibility for cases that involve the death of an unarmed civilian. Still, there are often incidents that may require further investigation and criminal prosecution of other parties involved in a crime that preceded the incident. For example, a robbery occurs and a law enforcement agency responds. The officers engage the robbery subject(s) and an OIS incident occurs. In this instance, there is the need to investigate the OIS and also the robbery itself. The evidence, suspects and witnesses for the robbery overlap with the evidence and the witnesses for the OIS incident. In these situations, the DLE would need to be prepared to assume the role of the primary law enforcement agency to ensure the wholesomeness of the OIS investigation.

### PERSONNEL

The CaPSIT program is a branch of the DLE, Bureau of Investigation (BI). The CaPSIT program is led by an Assistant Bureau Director and one Special Agent in Charge. The CaPSIT relies on the local LEA crime laboratory services for forensic support, even though the DLE's Bureau of Forensic Services (BFS) does provide a limited support role in the form of "oversight" for evidence collection and preservation, as well as, crime scene response and documentation for the CaPSIT investigative teams. The DLE's CaPSIT special agents are geographically located throughout the state, in accordance with use of force data<sup>1</sup> collected by the DOJ.

This proposal seeks an additional 7.0 positions for the DLE to continue the aforementioned workload:

- 1.0 Special Agent Supervisor
- 3.0 Special Agents
- 2.0 Senior Criminalists
- 1.0 Crime Analyst III

The 52.0 positions previously approved by the DOF, along with the additional 7.0 positions requested in this proposal are critically necessary for the DLE to maintain the ongoing workload demands of AB 1506.

With these requested resources, the DLE's CaPSIT program will be structured as follows:

#### Statewide Program Oversight and Management

- 1.0 Assistant Bureau Director (Peace Officer)

#### Headquarters Administrative Support

- 1.0 Staff Services Manager I
- 2.0 Associate Governmental Program Analysts
- 1.0 Staff Services Analyst

#### Regional Program Management (North and South)

- 1.0 Special Agents in Charge

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<sup>1</sup> Use of force data reported to the DOJ (required by AB 71) demonstrates 28% use of force incidents occur in Northern California, 11% in Central California, and 61% in Southern California. This supports DOJ's identification of the need for four investigative OIS teams: one team in Northern California, one in Central California, and two in Southern California.

## Analysis of Problem

### CaPSIT Investigative Teams

5.0 Special Agent Supervisors

23.0 Special Agents

4.0 Crime Analysts II

9.0 Crime Analysts III

6.0 Senior Criminalists

3.0 Property Controllers

3.0 Staff Services Analysts

### AB 1506 OIS Incident Response

Each response to a qualifying AB 1506 OIS incident requires a minimum deployment of personnel to ensure adequate resources to effectively investigate the OIS. For example, a typical response to an OIS will, at a minimum, include a Special Agent in Charge, Special Agent Supervisor, five or more Special Agents, three Senior Criminalists<sup>2</sup>, and a Crime Analyst III.

The unpredictability of when and where a qualifying AB 1506 OIS incident will occur still requires the DLE to be geographically positioned and adequately staffed to respond to OIS incidents that occur in remote locations during weekends and nighttime hours. Additionally, the DLE is obligated to be prepared to respond to overlapping OIS incidents that occur at the same time and/or within a short time frame of each other. The increased staffing levels support the requirement to rapidly respond to and secure an OIS scene, ensuring the preservation of evidence and the integrity of the investigation. The increased staffing levels account for overlapping OIS cases and provide for sufficient staffing schedules to ensure responses for any OIS that occurs, while reducing the need for overtime and standby costs.

### **SPECIALIZED EQUIPMENT**

The CapSIT program is also requesting \$672,000 in additional funding in 2022-23 for specialized equipment. These are necessary for the four teams to assist in accurately and efficiently conducting OIS investigations. The specific equipment are as follow:

Command Center Vehicle: The OIS investigative process is a comprehensive investigative effort that involves an immediate crime scene response by DLE personnel. Law enforcement personnel need effective and reliable communication during the incident, which is why one additional command center vehicle is necessary to support the fourth team. Each OIS team requires a dedicated command center vehicle. The command center vehicles will support each team and one will immediately be deployed to the scene upon a triggering incident. The mobile command vehicles are deployed to enhance coordination during critical events that require a centralized command.

This centralized command is essential during complex investigations to coordinate logistics and tasks associated with investigative casework. This vehicle is critical in the field as a working component that will allow the personnel to complete their respective duties with the full capabilities of this equipment to include a full complement of exterior lighting, which will allow for comprehensive crime scene assessment and evaluation. The workstations inside the vehicle will allow investigations to continue even during inclement weather conditions. In addition, exterior awnings will allow for practical weather coverage during the summer months for days in excess of 100 degrees. Overall, the command vehicle is essential to the investigative process due to the aforementioned factors.

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<sup>2</sup> This proposal seeks 4 Senior Criminalists positions. The DLE will utilize existing Senior Criminalist staff to supplement the necessary personnel for an OIS Response.

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The mobile command vehicles will provide investigators with the resources and technology necessary to complete comprehensive OIS investigations. The integral components of the mobile command vehicle include a comprehensive communications system, meeting rooms with audio/video capabilities, and independent power supply. Specifically, the command centers are equipped with VHF, UHF, 800 and 900-Megahertz radio system frequencies; cellular and satellite, secure and non-secure telephones; video teleconferencing; six on-board computer workstations; and a 20 KW self-contained generator.

**Total for BY: \$530,000.00**

Unmanned Aerial Systems: The Unmanned Aerial Systems (UAS) will be utilized to assist the OIS Program in crime scene assessment, evaluation and overall videography of the scene. The UAS will be able to retrieve and disseminate information to the OIS Investigative Personnel on scene to further the investigation with all the information available. This overhead perspective will be utilized as evidence for the memorialization of the scene for review of the evidence as well as overall crime scene recreation. Also, this UAS videography will be provided as evidence during court proceedings to display the actual scene for the jury. The utilization of the UAS is the current industry standard for the LEA crime scene investigations. The use of the UAS will be in strict compliance with the Federal Aviation Administration Guidelines. Each OIS team will be equipped with an UAS, for a total of four systems.

**Total for BY: \$30,725.92**

Emergency Vehicle Lighting Equipment: This enhanced emergency and warning light equipment is needed for the vehicles assigned to the sworn personnel responding to OIS scenes. This equipment is necessary to identify the vehicles as DOJ and will allow the OIS sworn personnel to reach a crime scene rapidly, as this equipment will alert local LEAs and bystanders to DOJ's presence at the scene. While at the scene of an OIS incident, there may be occurrences where DOJ personnel will have to place the vehicles in public areas (e.g., roadways) where emergency lighting is critical for officer safety.

**Total for BY: \$100,000.00**

Digital Camera Sets: A digital camera is a camera that takes video and/or still photography by recording images on an electronic image sensor. Special agents will use digital cameras to photograph and video the scene of the OIS to provide an accurate record of the crime scene and physical evidence. This memorialization will provide a recordation of the original scene and all related areas material to the investigation. There are three classifications of photographs/video taken at the crime scene which include the following: "Overall" which captures the global aspect of the crime scene and "Midrange" which allows the viewer to transition from the overall perspective to the "outside looking in" perspective which is more involved and detailed. "Close-up and Evidence" photographs/videos will be utilized to record the actual location and condition of evidence prior to the collection and preservation of the evidence. Ultimately, all photographs/videos taken at the scene will be utilized for reference during the preparation of the investigative reports. In addition, the photographs/videos allow a person that did not respond to the scene to have a clearer "picture" of the scene and evidence (e.g., the attorney reviewing the case for legal purposes). The main value of video is that it can allow people to actually see the crime scene in a way that is natural, versus still photographs. Even more critically, the photographs/videos can be used during the court proceedings to present the factual record of the scene and evidence. As DLE special agents are the first to respond to the scene for investigative purposes, the digital cameras will be utilized to record evidence prior to a potential degradation and/or loss of evidence during adverse weather conditions. The utilization of digital cameras by the investigators will assist the

## **Analysis of Problem**

criminalists in their primary crime scene processing. The special agents' recordation of the scene is critical as they will not have a second opportunity to review the scene once it is processed and contaminated by humans and other elements. The critical nature of investigations that involve the loss of life requires the precise attention to detail to eliminate any margin for error.

**Total for BY: \$11,200.00**

### **E. Outcomes and Accountability**

With the approval of the resources requested in this proposal, the DLE will be able to continue its effort of effectively and efficiently conduct 40 OIS investigations annually, as mandated by AB 1506. The staffing model DLE proposes is conservative based on its prior experience conducting an independent review of a Sacramento Police Department investigation; however, it takes into account economies of scale as DLE continues to evaluate its recently developed CaPSIT program and determines the appropriate systems for the most effective and efficient use of resources. It is likely that as the CaPSIT program matures there will be a constant need for reevaluation of the resources necessary to ensure justice is served in these cases.

### **F. Analysis of All Feasible Alternatives**

#### **Alternative 1: Approve the Request**

Authorize \$2.2 million General Fund and 7.0 positions in 2022-23 and \$1.6 million in 2023-24 and ongoing. Authorizing the additional requested resources will provide DLE CaPSIT with more adequate levels of resources to conduct comprehensive and independent investigations across the state.

#### **Alternative 2: Deny the Request**

Without adequate resources, DOJ will not have the capacity to implement the requirements of AB 1506, and would be required to delay implementation of Government Code section 12525.3, subd. (c), the police practices review component, until resources are obtained. The CaPSIT program will be forced to limit its response, only utilizing regional CaPSIT personnel currently funded, preventing the CaPSIT program from meeting the requirements mandated by AB 1506.

### **G. Implementation Plan**

Upon approval of this proposal, DOJ will begin the necessary recruitment and hiring of the additional resources.

### **H. Supplemental Information**

Appendix A – Workload Tables

### **I. Recommendation**

Approve Alternative 1

## Analysis of Problem

### APPENDIX A – WORKLOAD TABLES

<b>Division of Law Enforcement</b>		
<b>Special Agent Supervisor</b>		
<b>AB 1506 Workload</b>		
<b>Tasks</b>	<b>Monthly Hours Per Task</b>	<b>Annual Hours Required</b>
Monitors daily operations of the regional team, plans, organizes, and directs the daily operations of the Special Agents and professional staff relative to the investigations performed. Inclusive of case management, performance management, adherence to applicable policy, identification of administrative needs, compliance with required and continuing training, and all other aspects of the investigation that arise. Inclusive of administrative and parallel investigations as identified. Communicated needs and case progress with the Special Agent in Charge as necessary. Based on projected caseload of 40 cases annually, averaged at 60 hours per investigation.	40	480
Communication with internal and external stakeholders regarding the critical incident including updates throughout the incident and its aftermath, including debriefings. Based on projected caseload of 40 cases annually, average at 30 hours per case.	20	240
Reviews all investigative reports prior to submission to ensure sound findings and investigative goals are met and articulated clearly. Provide review and guidance with regard to investigative process including search warrant review while ensuring the investigative process is managed effectively. Based on projected caseload of 40 cases annually, averaged at 40 hours per case.	26.67	320
Travel time to reach OIS crime scenes to oversee investigative efforts in the field. Based on 40 projected cases annually, averaging 20 hours travel time per case.	13.33	160
Specialized training (412 hours per SAS) and mandatory annual training required by the State and POST (60.0 hours Annually)	39.33	472
Assists in the preparation for and participates in meetings related to investigations to coordinate the release of information to media representatives, promotes program accomplishments, and provides case status updates. Based on caseload of 40 cases per year, averaging 24 hours per case.	16	192
Works with Deputy Attorneys General to relay case information and provide updates to prepare for hearings and trials. Provides testimony as needed inclusive of review case information, meeting with attorneys and attending court. Based on 4 projected cases annually, averaging 35 hours per case.	11.67	140

## Analysis of Problem

<b>Division of Law Enforcement</b>		
Administrative duties and tasks related to the supervision and leadership of the OIS Team personnel, including review of daily time and data entries; review and approval of daily activities; preparation of performance evaluations. Attends meetings on behalf of the Division, Bureau and Program; provides support in the SAC positions during times of absence/unavailability of the SAC. 40 Hours per month per SAS.	40	480
<b>Annual Hours</b>		<b>2,484</b>
<b>1 Personnel Year (PY)</b>		<b>1,776</b>
<b>Position Need</b>		<b>1.4</b>

<b>Division of Law Enforcement</b>		
<b>Special Agent</b>		
<b>AB 1506 Workload</b>		
<b>Tasks</b>	<b>Monthly Hours Per Task</b>	<b>Annual Hours Required</b>
Conduct investigations pursuant to AB 1506, in compliance with CaPSIT program policies and requirements. Includes securing the scene, coordinating with criminalists to collect and identify evidence, identifying and interviewing witnesses, analyzing evidence and information collected, reviewing digital evidence an canvassing neighborhoods, etc. Based on projected workload of 875 hours per case at 40 cases per year.	282.26	3,387
Investigative report writing, search warrant preparation, overall and ongoing case agent investigation leadership while providing direction and guidance to ensure specific case needs are met. Based on projected caseload of 40 cases annually, averaged 65 hours per case	20.97	252
Travel time to reach OIS crime scenes to complete investigative efforts in the field, and investigative follow up. Based on 40 projected cases annually, averaging 20 hours travel time per case.	6.45	77
Assist in the preparation for and participate in meetings related to investigations to coordinate the release of information to media representatives, promote program accomplishments, and provide case status updates. Based on caseload of 40 cases per year, averaging 20 hours per case.	6.45	77
Identify and investigate administrative investigations related to the original cases. Original investigations may reveal underlying administrative (non-criminal) allegations that result in administrative sanctions. Inclusive of identifying the policy violation, collecting evidence, interviewing witnesses, report writing, coordinating with external and internal stakeholders, and all other aspects of the investigation. Activities may overlap with original investigation so an estimated number of hours is provided based on the average of 40 annual cases resulting in 1 parallel investigation into the underlying activity at 60 hours per investigation.	19.35	232

### Analysis of Problem

Work with Deputy Attorneys General to relay case information and provide updates to prepare for hearings and trials to assist in determination of outcomes of cases. Provide testimony as needed inclusive of review case information, meeting with attorneys and attending court. Based on 4 projected cases annually, averaging 35 hours per case.	7.53	90
Completion of monthly administrative tasks such as time reporting, vehicle and equipment maintenance, mileage logs, required departmental training, weapon qualifications, working with property controller to log and book evidence, and other administrative functions. 20 hours per month per SA.	60.00	720
Specialized training (412 hours per SA) and mandatory annual training required by the State and POST (60.0 hours Annually)	77.5	930
Provide coordination for investigations with other law enforcement and governmental legal agencies as the case agent. Attend meetings on behalf of the Division, Bureau and Program. Assumes the duties of a Special Agent Supervisor when delegated and performs other duties as required. 16 Hours per month per agent.	48	576
<b>Annual Hours</b>		<b>6,342</b>
<b>1 Personnel Year (PY)</b>		<b>1,776</b>
<b>Position Need</b>		<b>3.6</b>

<b>Division of Law Enforcement</b>			
<b>Senior Criminalist</b>			
<b>AB 1506 Workload</b>			
<b>Tasks</b>	<b>Single Completion (Avg. Hours)</b>	<b>Projected Workload</b>	<b>Annual Hours Required</b>
OIS Travel (to/from OIS Crime scene)	20	13	260
OIS Scene standby (includes call back time, time waiting for warrants, etc.)	1	13	13
Consultation with OIS response teams and local law enforcement agencies.	6.45	13	13
Preparation - gathering necessary laboratory supplies, stocking response vehicle, reagent preparation, etc.	3.15	13	40.95
Clean up / restock - includes restocking response kits, vehicles, etc.	2	13	26
Processing - processing time at the OIS crime scene	24	13	312

### Analysis of Problem

Analysis - laboratory analysis of physical evidence preserved and collected from the scene	102	13	1,326
Report Writing	5.5	13	71.5
TR/AR - review associated with the final report per accreditation standards	3.75	13	48.75
Specialized Training	252	2	504
<b>Annual Hours</b>			<b>2,615</b>
<b>1 Personnel Year (PY)</b>			<b>1,776</b>
<b>Position Need</b>			<b>1.5</b>

<b>Division of Law Enforcement</b>		
<b>Crime Analyst III</b>		
<b>AB 1506 Workload</b>		
<b>Tasks</b>	<b>Monthly Hours Per Task</b>	<b>Annual Hours Required</b>
Conduct audio/video research, recovery and analysis OIS Investigations relative to requests from the Special Agents. Utilize various computer systems and software for the processing and enhancement of audio/video evidence. Process and retain the information for retention as evidence. Based on projected caseload of 40 cases annually, averaged 277 hours per investigation.	92.33	1,108
Preparation of investigative reports directly related to the review and analysis of audio/ video evidence. 24 Hours per case.	8	96
Provide testimony in court proceedings as an expert witness related to the evidentiary analysis of audio/video exhibits. 16 Hours per case.	5.33	64
Specialized training 84 hours per CA III	7	84
Assist in the preparation for and participate meetings related to investigations to coordinate the audio/video information for the SA/SAS review and end product utilization. Provide case status updates as needed as well as case law/statutory updates as applicable to the audio/video evidence. Based on caseload of 40 cases per year, averaging 24 hours per case.	8.00	96
<b>Annual Hours</b>		<b>1,448</b>
<b>1 Personnel Year (PY)</b>		<b>1,776</b>
<b>Position Need</b>		<b>.81</b>



# BCP Fiscal Detail Sheet

BCP Title: Police Use of Force

BR Name: 0820-053-BCP-2022-GB

Budget Request Summary

## Personal Services

Personal Services	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
Positions - Permanent	0.0	7.0	7.0	7.0	7.0	7.0
<b>Total Positions</b>	<b>0.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>
Salaries and Wages Earnings - Permanent	0	749	749	749	749	749
Salaries and Wages Earnings - Temporary Help	0	8	0	0	0	0
Salaries and Wages Overtime/Other	0	60	60	60	60	60
<b>Total Salaries and Wages</b>	<b>\$0</b>	<b>\$817</b>	<b>\$809</b>	<b>\$809</b>	<b>\$809</b>	<b>\$809</b>
Total Staff Benefits	0	266	346	346	346	346
<b>Total Personal Services</b>	<b>\$0</b>	<b>\$1,083</b>	<b>\$1,155</b>	<b>\$1,155</b>	<b>\$1,155</b>	<b>\$1,155</b>

## Operating Expenses and Equipment

Operating Expenses and Equipment	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
5301 - General Expense	0	300	239	239	239	239
5302 - Printing	0	2	2	2	2	2
5304 - Communications	0	28	28	28	28	28
5306 - Postage	0	2	2	2	2	2
5308 - Insurance	0	2	2	2	2	2
5320 - Travel: In-State	0	33	30	30	30	30
5322 - Training	0	13	13	13	13	13
5324 - Facilities Operation	0	29	29	29	29	29
5340 - Consulting and Professional Services - Interdepartmental	0	8	0	0	0	0
5346 - Information Technology	0	14	14	14	14	14
5368 - Non-Capital Asset Purchases - Equipment	0	697	25	25	25	25
539X - Other	0	70	70	70	70	70
<b>Total Operating Expenses and Equipment</b>	<b>\$0</b>	<b>\$1,198</b>	<b>\$454</b>	<b>\$454</b>	<b>\$454</b>	<b>\$454</b>

## Total Budget Request

Total Budget Request	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
<b>Total Budget Request</b>	<b>\$0</b>	<b>\$2,281</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>

## Fund Summary

### Fund Source

Fund Source	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
State Operations - 0001 - General Fund	0	2,281	1,609	1,609	1,609	1,609
<b>Total State Operations Expenditures</b>	<b>\$0</b>	<b>\$2,281</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>
<b>Total All Funds</b>	<b>\$0</b>	<b>\$2,281</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>

## Program Summary

### Program Funding

Program Funding	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
0440010 - Investigation	0	2,281	1,609	1,609	1,609	1,609
9900100 - Administration	0	219	221	221	221	221
9900200 - Administration - Distributed	0	-219	-221	-221	-221	-221
<b>Total All Programs</b>	<b>\$0</b>	<b>\$2,281</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>	<b>\$1,609</b>

## Personal Services Details

### Positions

Positions	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
0111 - Crime Analyst III (Eff. 07-01-2022)	0.0	1.0	1.0	1.0	1.0	1.0
8478 - Sr Crimist (Eff. 07-01-2022)	0.0	2.0	2.0	2.0	2.0	2.0
8482 - Special Agent - Dept of Justice (Eff. 07-01-2022)	0.0	3.0	3.0	3.0	3.0	3.0
8524 - Special Agent Supv (Eff. 07-01-2022)	0.0	1.0	1.0	1.0	1.0	1.0
OT00 - Overtime	0.0	0.0	0.0	0.0	0.0	0.0
TH00 - Temporary Help	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Positions</b>	<b>0.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>

### Salaries and Wages

Salaries and Wages	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
0111 - Crime Analyst III (Eff. 07-01-2022)	0	77	77	77	77	77
8478 - Sr Crimist (Eff. 07-01-2022)	0	210	210	210	210	210
8482 - Special Agent - Dept of Justice (Eff. 07-01-2022)	0	336	336	336	336	336
8524 - Special Agent Supv (Eff. 07-01-2022)	0	126	126	126	126	126
OT00 - Overtime	0	120	60	60	60	60
TH00 - Temporary Help	0	8	0	0	0	0
<b>Total Salaries and Wages</b>	<b>\$0</b>	<b>\$877</b>	<b>\$809</b>	<b>\$809</b>	<b>\$809</b>	<b>\$809</b>

### Staff Benefits

Staff Benefits	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
5150900 - Staff Benefits - Other	0	266	346	346	346	346
<b>Total Staff Benefits</b>	<b>\$0</b>	<b>\$266</b>	<b>\$346</b>	<b>\$346</b>	<b>\$346</b>	<b>\$346</b>

### Total Personal Services

Total Personal Services	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
<b>Total Personal Services</b>	<b>\$0</b>	<b>\$1,143</b>	<b>\$1,155</b>	<b>\$1,155</b>	<b>\$1,155</b>	<b>\$1,155</b>