

INTRADEPARTMENTAL CORRESPONDENCE

October 26, 2021
1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: PROHIBITION OF PARTICIPATION IN LAW ENFORCEMENT GANGS –
ESTABLISHED

RECOMMENDED ACTION

That the Board of Police Commissioners REVIEW and APPROVE the established policy prohibiting the participation in law enforcement gangs.

DISCUSSION

On January 1, 2022, California Assembly Bill (AB) 958 will become effective by adding Section 13670 to the California Penal Code, prohibiting the participation in a law enforcement gang by any law enforcement officer. California Penal Code Section 13670 defines “law enforcement gang” as a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to: excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws; engaging in or promoting conduct that violates the rights of other employees or members of the public; violating agency policy; the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified; falsifying police reports; fabricating or destroying evidence; targeting persons for enforcement based solely on protected characteristics of those persons; theft; unauthorized use of alcohol or drugs on duty; unlawful or unauthorized protection of other members from disciplinary actions; and, retaliation against other officers who threaten or interfere with the activities of the group.

The Department fully recognizes that participation in any law enforcement gang undermines the Department’s mission and core values, and damages the trust between the Department and the communities that it serves. This Order establishes Department Manual Section 1/271.10, *Prohibition of Participation in Law Enforcement Gangs*.

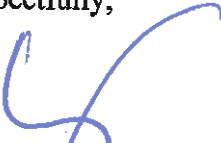
The Honorable Board of Police Commissioners

Page 2

1.14

Should you have any questions regarding this matter, please contact Director Lizabeth Rhodes, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,

A handwritten signature in blue ink, appearing to be 'MICHEL R. MOORE', written over the printed name.

MICHEL R. MOORE
Chief of Police

Attachments

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

SUBJECT: PROHIBITION OF PARTICIPATION IN LAW ENFORCEMENT GANGS – ESTABLISHED

PURPOSE: On January 1, 2022, California Assembly Bill (AB) 958 will become effective by adding Section 13670 to the California Penal Code, prohibiting the participation in a law enforcement gang by any law enforcement officer. California Penal Code Section 13670 defines “law enforcement gang” as a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to: excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws; engaging in or promoting conduct that violates the rights of other employees or members of the public; violating agency policy; the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified; falsifying police reports; fabricating or destroying evidence; targeting persons for enforcement based solely on protected characteristics of those persons; theft; unauthorized use of alcohol or drugs on duty; unlawful or unauthorized protection of other members from disciplinary actions; and, retaliation against other officers who threaten or interfere with the activities of the group.

The Department fully recognizes that participation in any law enforcement gang undermines the Department’s mission and core values, and damages the trust between the Department and the communities that it serves. The purpose of this Order is to establish Department Manual Section 1/271.10, *Prohibition of Participation in Law Enforcement Gangs*.

PROCEDURE: Department Manual Section 1/271.10, *Prohibition of Participation in Law Enforcement Gangs*, has been established. The established Department Manual Section is attached.

AMENDMENTS: This Order adds Section 1/271.10 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION “D”

DEPARTMENT MANUAL
VOLUME I
Revised by Special Order No. , 2021

PROHIBITION OF PARTICIPATION IN LAW ENFORCEMENT GANGS. Building and preserving trust between the community and law enforcement is crucial to effectively maintaining Department operations, reducing crime and ensuring the safety of occupants and businesses within our City. Participation in law enforcement gangs has proven to undermine the objectives of law enforcement and violates the fundamental principles of professional policing.

All Department personnel are prohibited from participating in a law enforcement gang. A violation of this policy shall be grounds for termination.

California Penal Code Section 13670 defines a "law enforcement gang" as a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to: excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws; engaging in or promoting conduct that violates the rights of other employees or members of the public; violating agency policy; the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified; falsifying police reports; fabricating or destroying evidence; targeting persons for enforcement based solely on protected characteristics of those persons; theft; unauthorized use of alcohol or drugs on-duty; unlawful or unauthorized protection of other members from disciplinary actions; and, retaliation against other officers who threaten or interfere with the activities of the group.

In addition to completing its own investigations, the Department shall cooperate with the Office of the Inspector General, the Attorney General, and/or any other authorized agency investigating such gangs within the Department.



California ** FOR REFERENCE ONLY **

LEGISLATIVE INFORMATION

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AB-958 Peace officers: law enforcement gangs. (2021-2022)

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Assembly Bill No. 958

CHAPTER 408

An act to add Section 13670 to the Penal Code, relating to peace officers.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 958, Gipson. Peace officers: law enforcement gangs.

Existing laws defines those persons who are peace officers, the entities authorized to appoint them, and the scope of their authority. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including training requirements, moral character, and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction. Existing law requires a department or agency that employs peace officers to establish a procedure to investigate complaints by members of the public against those officers.

This bill would define a law enforcement gang, a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior, and would require law enforcement agencies to have a policy prohibiting law enforcement gangs and making participation, as specified, in a law enforcement gang grounds for termination. The bill would require an agency to disclose an officer's termination for involvement in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that officer, as specified.

By requiring local law enforcement agencies to adopt new policies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Law enforcement gangs have been identified within California law enforcement agencies, undermining California's movement to enhance professional standards of policing throughout the state. Law enforcement gangs have been recognized by the Los Angeles Sheriff's Department as damaging to the trust and reputation of law enforcement throughout California.

(b) A law enforcement gang is a group of law enforcement officers within an agency that engage in a pattern of rogue on-duty behavior that violates the law or fundamental principles of professional policing.

(c) Building and preserving trust between California communities and law enforcement agencies, and protecting the integrity of law enforcement as an institution will require agencies to proactively root out "bad apples" including those who participate, formally or informally, in this type of behavior.

(d) Law enforcement agencies must support and promote peer intervention in instances of officer misconduct, including reporting officers suspected of involvement in law enforcement gangs, and must hold those officers accountable through proportionate disciplinary measures when misconduct is proven.

(e) Trust between our communities and law enforcement is dependent on an institutional reconciliation of the historical traumas perpetrated by law enforcement gangs.

SEC. 2. Section 13670 is added to the Penal Code, to read:

13670. (a) For purposes of this section:

(1) "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.

(2) "Law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

(b) Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into these gangs by an inspector general, the Attorney General, or any other authorized agency. Notwithstanding any other law, local agencies may impose greater restrictions on membership and participation in law enforcement gangs, including for discipline and termination purposes.

(c) Except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that former peace officer.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.