

LAPPL SB2 Enhanced Legal Defense Plan - FAQs

Q: What is SB2?

A: California Senate Bill 2 (SB2) adopted by the legislature and signed into law by the Governor and took effect on January 1, 2022. It requires all police officers to be certified by POST. It also created a process for suspensions, revocation, and ultimately decertification of police officers' ability to remain in the profession. Without a certification, you are unable to work as a police officer in the State of California. It is essentially your "license" to become, and remain, a police officer.

Q: What types of allegations could trigger me being sent to a hearing?

A: This law prohibits a person who has been convicted of a felony, as specified, from regaining eligibility for peace officer employment based upon any later order of the court setting aside, vacating, withdrawing, expunging or otherwise dismissing or reversing the conviction, unless the court finds the person to be factually innocent of the crime for which they were convicted.

The law disqualifies a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury.

The law disqualifies any person who has been certified as a peace officer by POST and has surrendered that certification or had that certification revoked by the POST, or has been denied certification.

The law disqualifies any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the national decertification index, or any other database designated by the federal government, or who engaged in serious misconduct that would have resulted in their certification being revoked in this state.

The law authorizes the commission to suspend or revoke a proof of eligibility or a certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, or participating in a law enforcement gang, as defined.

The law creates the Peace Officer Standards Accountability Division within the commission to review investigations conducted by law enforcement agencies and to conduct additional investigations into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification, as specified.

Q: Who is eligible to join the SB2 Enhanced Legal Defense Plan?

A: Any League member **in good standing that is currently enrolled in the Legal Defense plan.**

- **If you cancelled your legal defense plan membership, you are ineligible to renew your legal defense plan until 3 years after the date of your cancellation date.**
- **If you were never a legal defense plan member, you are eligible to sign up for the legal defense plan and this SB2 enhanced program.**

Q: What do you mean by “good standing”?

A: “Good standing” means that you have no outstanding debt owed to the League.

Q: I am a reserve officer, am I eligible to join?

A: Yes, if you are a member in good standing and are currently enrolled in the Legal plan.

Q: As a reserve officer, how much do I have to pay?

A: Reserves pay the same as active members; \$360 a year.

Q: How can reserves pay?

A: Once your application is accepted and approved you must request a bill to be sent to you. The amount of the bill will be \$360 and the request must be sent to:
cleme@lappl.org

Q: I am about to retire; will my coverage continue?

A: Retirees will be covered for 120 days after their retirement if they are in good standing with the League at the time of retirement.

Q: Will laterals be covered for the time with another agency?

A: No. Laterals are covered from date they complete the LAPD academy.

Q: Do I have to join?

A: No, the Enhanced Legal Plan is voluntary.

Q: Will this new plan cover past investigations?

A: Yes, only if you sign up during the open enrollment period of August 1, 2022 – September 30, 2022. You will be provided retroactive coverage back to the date of your academy graduation.

Q: What if I enroll after September 30, 2022?

A: If you enroll after September 30, 2022, you will not be covered retroactively back to the date of your Academy graduation. Your coverage would begin from the date your application is approved going forward from that date.

Q: How can I enroll?

A: You may enroll by logging onto lapplbenefits.com or by walking into the League Office (4th floor) and filling out the application. You may also request an application be mailed to you. Any application must be received by the League by September 30, 2022 to qualify for retroactive coverage back to the date of your Academy graduation.

Q: Where can I learn more?

A: For further explanation, check your membership alert.

Q: When does my coverage become effective?

A: Coverage becomes effective once your application is approved.

Q: What am I entitled to?

A: Legal representation in administrative proceedings, which could result in revocation or suspension of a California POST certification or license required to serve as a peace officer within the State of California. This includes representation by an LAPPL Panel Attorney at any investigative proceedings initiated by CA POST and any proceedings before advisory, first-level administrative or other POST related administrative bodies arising from any act, alleged act or omission by the participating member within the course and scope of his or her employment, including proceedings brought as the result of the participating member's involvement in concerted labor activity, subject to the conditions set forth below:

- Coverage does not extend past the administrative hearing review, including judicial proceedings (writ of Mandamus).
- All customary, necessary, and reasonable services related to an action described in subsection (a) hereof, after a participating member is notified that such actions will be commenced.
- Actions/events which are outside the course and scope of duties are not covered under this plan as well as legal representation to contest facts, charges, allegations, or grounds for revocation or suspension for actions/events which automatically disqualify an individual from holding the position of peace officer (e.g. conviction of certain crimes, permanent court orders prohibiting an individual from possessing a firearm, being found not guilty by reason of insanity, etc.) where those facts, charges, allegations or grounds have been finally determined or adjudicated in a separate legal proceeding, including where the participating member pled guilty or nolo contendere.

Q: I am already in the legal plan, why does it not cover SB2?

A: Because our legal plan document is governed by ERISA and the plan document does not cover SB2. We must add a specific SB2 addendum to the plan document with an additional cost for this increased coverage.

Q: What is ERISA?

A: The Employee Retirement Income Security Act of 1974 (ERISA) enacted September 2, 1974, is a federal United States tax and labor law that establishes minimum standards for pension plans in private industry. It contains rules on the federal income tax effects of transactions associated with employee benefit plans. ERISA was enacted to protect the interests of employee benefit plan participants and their beneficiaries

Q: How much does this additional legal coverage cost?

A: Cost is an additional \$360 per year which equals \$15 per pay period.

Q: What if I enroll after the initial enrollment period?

A: If you apply after the initial enrollment period (after Sept 30, 2022), your coverage will start once your application is approved.

Q: Will the city attorney represent me at these hearings?

A: No. The City Attorney office does not consider this within the course and scope of your employment. SB2 hearings are considered a private matter.