
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 572 **Hearing Date:** July 8, 2025
Author: Kalra
Version: May 8, 2025
Urgency: No **Fiscal:** Yes
Consultant: SU

Subject: *Criminal procedure: interrogations*

HISTORY

Source: Californians for Safety and Justice; Silicon Valley De-Bug

Prior Legislation: AB 3021 (Kalra) ordered to the Senate Inactive File, 2024
AB 2644 (Holden) Ch. 289, Stats. of 2022
SB 494 (Dodd) vetoed by Governor, 2021
SB 203 (Bradford) Ch. 355, Stats. of 2020
SB 395 (Lara) Ch. 681, Stats. of 2017
SB 1052 (Lara) vetoed by Governor, 2016

Support: ACLU California Action; Asian Law Alliance; California Alliance for Youth and Community Justice; California Attorneys for Criminal Justice; Californians United for a Responsible Budget; Congregations Organized for Prophetic Engagement; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Initiate Justice; Initiate Justice Action; Justice2Jobs Coalition; LA Defensa; Oakland Privacy; Rubicon Programs; Showing Up for Racial Justice Santa Clara County; Smart Justice California; The W. Haywood Burns Institute; Ujima Adult and Family Services; Vera Institute of Justice; Youth United for Community Action; 20+ Individuals

Opposition: Association for Los Angeles Deputy Sheriffs; California District Attorneys Association; California Peace Officers Association; California Police Chiefs Association; Los Angeles County District Attorney's Office; Los Angeles County Sheriff's Department; Los Angeles Professional Peace Officers Association; Peace Officers Research Association of California; San Diego County District Attorney's Office

Assembly Floor Vote: 44 - 22

PURPOSE

The purpose of this bill is to require law enforcement officers to identify themselves and provide specified information prior to interviewing, questioning, or interrogating the family member of person who has been killed or seriously injured by an officer.

Existing law requires a state prosecutor to investigate incidents of officer-involved use of force resulting in the death of an unarmed civilian. (Gov. Code, § 12525.3, subd. (b)(1).)

Existing law requires a state prosecutor to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed. (Gov. Code, § 12525.3, subd. (b)(2)(A).)

Existing law provides that, if criminal charges against the involved officer are found to be warranted, the state prosecutor shall initiate and prosecute a criminal action against the officer. (Gov. Code, § 12525.3, subd. (b)(2)(C).)

Existing law requires the Commission on Peace Officers Standard and Training (POST) to establish the Robert Presley Institute of Criminal Investigation (ICI) which makes available to criminal investigators of California's law enforcement agencies an advanced training program to meet the needs of working investigators in specialty assignments, such as arson, auto theft, homicide, and narcotics. (Pen. Code, § 13519.9, subd. (a).)

Existing law requires ICI to provide an array of investigation training, including core instruction in matters common to all investigative activities, advanced instruction through foundation specialty courses in the various investigative specialties, and completion of a variety of elective courses pertaining to investigation. (Pen. Code, § 13519.9, subd. (b).)

Existing law provides that during the custodial interrogation of a minor 17 years of age or younger relating to the commission of a misdemeanor or felony, a law enforcement officer shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified. (Welf. & Inst. Code, § 625.7.)

Existing law requires law enforcement to furnish written notice to victims of domestic violence at the scene with information on victims' rights and resources. (Pen. Code, § 13701.)

Existing law requires, upon the initial interaction with a sexual assault victim, a law enforcement officer to provide the victim with a card explaining the rights of sexual assault victims, including that they do not need to participate in the criminal justice system. (Pen. Code, § 680.2, subd. (a).)

Existing law states that whenever there has been a crime committed against a victim, the law enforcement officer assigned to the case may provide the victim of the crime with a "Victim's Rights Card," as specified. (Pen. Code, § 679.08, subd. (a).)

Existing law requires the Attorney General to design and make available to law enforcement agencies a "Marsy Rights" card, which shall contain the rights of crime victims described in subdivision (b) of Section 28 of Article I of the California Constitution. (Pen. Code, § 679.026, subd. (c)(3).)

Existing law requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, to provide or make available to each victim of the criminal act without charge or cost a "Marsy Rights" card. (Pen. Code, § 679.026, subd. (c)(1).)

This bill provides that prior to commencing any interview, questioning or interrogation with an immediate family member of a person who has been killed or seriously injured by a peace

officer, regardless of whether it occurs in a police station, a peace officer or prosecutor shall do the following:

- Clearly identify themselves and provide the full name of the agency by whom they are employed. If the interview takes place in person, the officer or prosecutor shall also show the person a business card, official badge, or other form of official identification;
- Inform the person of the status of their family member, including whether the family member has been killed or seriously injured;
- Inform the person that they are conducting an investigation and that the investigation may or may not involve the culpability of the person that was killed or injured;
- Inform the person that they can consult with an attorney or trusted support person, that they are not required to speak with the investigator, and that they are not required to go to the police station.

This bill defines the following terms for purposes of these provisions:

- “Immediate family member” means “the spouse, domestic partner, parent, guardian, grandparent, aunt, uncle, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption, of the person who was killed or seriously injured by a peace officer.”
- “Seriously injured” means a person has suffered serious bodily injury which is in turn defined as a serious impairment of physical condition, including, but not limited to, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

This bill states that these requirements do not apply to an immediate family member who is under a custodial interrogation requiring *Miranda*¹ warnings.

COMMENTS

1. Need for This Bill

According to the author:

The relatives of individuals affected by police violence have a reasonable expectation of transparency and information about the circumstances surrounding their loved ones’ welfare without encountering deceiving and threatening information. The coercive methods law enforcement officers use to interrogate family members of the victim not only inflict harm upon the victim and their family, but also erode trust in law enforcement. AB 572 will provide family members with information that could protect them from a coercive interrogation when they are at their most vulnerable.

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

2. Interviewing Family Members

Reporter Brian Howey started looking into police interview techniques involving cases of police shooting while at the Investigative Reporting Program at UC Berkeley's Graduate School of Journalism. He found that Bruce Praet, a co-founder of Lexipol which among other things provides training to public safety professionals, advises officers to use the instance of having to notify family members of a loved one's injury or death, as an opportunity to gather information about the individual. (*California Police Are Using a Controversial Tactic After Someone Dies in Their Custody*, Mother Jones, May 4, 2024, <https://www.motherjones.com/politics/2024/05/california-police-are-using-a-controversial-tactic-after-someone-dies-in-their-custody/> [last visited July 1, 2025].) A 2023 *Los Angeles Times* report described the technique as follows:

For years, law enforcement agencies across California have been trained to quickly question family members after a police killing in order to collect information that, among other things, is used to protect the involved officers and their department, an investigation by the *Los Angeles Times* and the Investigative Reporting Program at UC Berkeley's Graduate School of Journalism has found.

Police and prosecutors routinely incorporate the information into disparaging accounts about the people who have been killed that help justify the killings, bolster the department's defense against civil suits and reduce the amount of money families receive in settlements and jury verdicts, according to police reports, court records and interviews with families and their attorneys.

The *Times* and the Investigative Reporting Program documented 20 instances of the practice by 15 law enforcement agencies across the state since 2008. Attorneys specializing in police misconduct lawsuits say those cases are just a fraction of what they describe as a routine practice.

(Howey, *After police killings, families are kept in the dark and grilled for information*, L.A. Times (Mar. 28, 2023) <[After police killings, California families often kept in the dark - Los Angeles Times \(latimes.com\)](https://www.latimes.com/story/2023-03-28/california-police-killings-families)> [last visited July 1, 2025].)

In an effort to prevent this interview technique, this bill would require a peace officer or prosecutor to provide immediate family members of a person killed or seriously injured by law enforcement of certain information, including the identification of the interviewer; the status of the family member, and advisements that they can consult with an attorney or support person, that they are not required to speak with the interviewer or go to the police station, and that the investigation that they are conducting may or may not involve the culpability of their family member.

In this respect, some of the admonitions are similar to the information provided to victims of certain crimes. However, it is unclear what remedy, if any, there is if the investigating officer or prosecutor does not give the advisement.

3. Miranda Warnings

This bill specifies that its requirements do not apply to an immediate family member who is under a custodial interrogation and who would instead be given the Miranda admonition.

“Miranda warnings” are a series of admonitions that are typically given by police before interrogating a suspect of a crime. The purpose of Miranda warnings is to advise people that have been arrested of their constitutional right against self-incrimination. They are the product of the landmark Supreme Court decision *Miranda v. Arizona*, *supra*, 384 U.S. 436. In deciding that case, the Supreme Court imposed specific, constitutional requirements for the advice an officer must provide prior to engaging in custodial interrogation and held that statements taken without these warnings are inadmissible against the defendant in a criminal case. Specifically, the Court held that prior to any questioning, the suspect must be warned that they have a right to remain silent, that any statement made may be used as evidence against them, and that they have a right to the presence of an attorney, either retained or appointed. (*Id.* at p. 444.)

In order for Miranda warnings to apply, an individual must be subjected to “custodial interrogation.” A suspect is “in custody” if a reasonable person in a similar situation would not feel free to end the interrogation and leave. (*Miranda*, *supra*, 384 U.S. at p. 444.) Custody does not require a person to be at the police station, or in handcuffs, or in the back of a police car, but rather that the police have deprived the suspect of his or her freedom of action in some significant way. (*Ibid.*) An “interrogation” is “any words or actions on the part of officers (other than those normally attendant to arrest and custody) that the officer should know are reasonably likely to elicit an incriminating response from the suspect.” (*Rhode Island v. Innis* (1980) 446 U.S. 291, 301.) Such questioning can be in the form of an officer asking the suspect direct questions, or it can be indirect in the form of comments or actions by the officer that the officer should know are likely to produce an incriminating reply. (*Ibid.*)

“Miranda warnings” do not apply to, among others, witnesses of crime, the family members of a criminal defendant, or the family members of a person killed by police. The purpose of Miranda warnings is to advise people who have been arrested of their constitutional right against self-incrimination.

As relates to this bill, family members of a person killed or seriously injured by a police officer are not suspects and are not in custody, and so, would not be given a Miranda admonition.

4. Definition of Immediate Family Member

This bill defines “immediate family member” as the spouse, domestic partner, parent, guardian, grandparent, aunt, uncle, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption of the person who was killed or seriously injured by a peace officer.

In the parole hearing context, “household member of the victim” are also considered in recognition of a person who may not be married or in a domestic partnership, but yet still have an intimate relationship with the victim. Penal Code section 3043.3 defines “household member of the victim” as a person who lives, or was living at the time of the crime, in the victim's household, and who has, or for a deceased victim had at the time of the crime, an intimate or close relationship with the victim. On the other hand, the statute does not include aunts or uncles in the definition of family victim. A household member may have a closer relationship than an aunt or uncle, possibly even an intimate one such as a long term partner or fiancé. Should this bill be amended to include such household members in the list of persons that receive the proposed advisement?

5. Argument in Support

According to Oakland Privacy:

Assembly Bill 572 seeks to standardize procedures when law enforcement and justice system personnel interview family members of a person who has been killed or severely injured by law enforcement.

In many cases, these charged interviews occur when family members are in a state of intense grief, alarm or are beset with hospital and medical needs. They can also happen when family members do not yet know whether their child, parent, or sibling is dead or alive; or when they may face hearing news that they hoped to never hear on what will become one of the worst days of their lives.

At such times, no one is well-prepared to duly consider all of the possible ramifications down the line of what they say, even when those ramifications can deeply impact what happens to their severely-injured family member or their own civil or criminal compensation efforts....

Assembly Bill 572 seeks to provide a standardized framework for interviews with the family members of a person who has been severely injured or killed by police in order to ensure that such interviews do not undermine individual will and compel speech that otherwise would not occur.

Before answering questions from police, district attorneys, other prosecutors or private investigators, family members need to be reminded that what they say can impact criminal or civil litigation against their loved one (if still alive) or criminal or civil litigation they may later wish to file on their family members' behalf, and that they have rights to an attorney or a trusted friend be present or to stay silent. Importantly, in this context, AB 572 also severs the right to ask and receive information about what has happened to their family member from any questioning that may follow. This prevents the questioning party from leveraging the desperate need to know what happened from follow-up inquiries that may bear on civil or criminal proceedings down the line.

There is no doubt the inherent pressures to compel speech ... are present in a family survivor interview. While the family members are not directly accused of a crime, law enforcement investigators or prosecutors would be well-aware of evidentiary needs for upcoming internal affairs proceedings, public statements following a police-caused death, and civil and criminal litigation that may ensue down the line. All of those same concerns apply for the family members, but for obvious reasons, are not front of mind at a time of great stress, fear and grief. Family members can include minors, elderly parents or grandparents and others who can be exceptionally vulnerable to the tactics employed in interrogations. A brief reminder of rights and ramifications is a small, but simple step to help people who have just suffered a terrible loss.

It is an axiom of civil rights law that rights that exist on paper cannot be called rights if they are hard or impossible to exercise in practice. AB572 simply extends basic notification rights to the family members of an individual killed or severely injured by law enforcement.

6. Argument in Opposition

According to the California Peace Officers Association:

This legislation poses a serious threat to the ability of law enforcement to carry out thorough and effective criminal investigations.

The premature disclosure required by AB 572 undermines the integrity of investigative work. Law enforcement relies heavily on confidentiality in the initial stages of a case—whether it’s protecting sensitive intelligence, preserving the privacy of victims, or securing witness cooperation. Releasing such details too soon could deter witnesses from sharing critical information, fearing exposure or reprisal. This is especially troubling in high-stakes cases like mass shootings or pursuits of dangerous suspects, where every moment and every lead counts.

Witness testimony is already difficult to obtain promptly and accurately. By imposing these disclosure rules, AB 572 would make it even harder to gain the trust and cooperation needed to resolve cases swiftly. This not only jeopardizes investigations but also weakens our ability to ensure public safety and deliver justice.

Law enforcement’s mission to protect and serve depends on the ability to manage investigations without unnecessary obstacles.

– END –