

State of Emergency Update: All POBAR Investigations to Receive a 60-Day Extension

California's response to the coronavirus pandemic now includes the extension of statutory deadlines across many code sections under Governor Gavin Newsom's Executive Order N-40-20 signed on March 30th.

Of particular interest for agencies employing peace officers, the new Order temporarily modifies the Public Safety Officers Procedural Bill of Rights Act (POBRA) provision(s) regarding misconduct investigations. POBRA, found in Government Code Sections 3300-3313, currently sets a one-year statute of limitation on the investigation of such misconduct allegations. Under Section 3304(d), if "punitive action" might be taken, then an investigation must be complete, and a peace officer notified in writing of the same, within that year. The new Order extends this deadline by 60 days.

The Order remains silent on two comparable statutes of limitation: one within the Firefighters Procedural Bill of Right Act, under section 3254(d); and the other within Government Code section 3508.1(a) regarding civilian employees who work in police departments. At this time, the Governor has given no indication that investigations regarding firefighters or non-sworn employees will receive the same 60-day extension.

The COIVD-19 situation creates a rapidly shifting legal landscape; please note that all updates are subject to potential revision accordingly.

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