



## **SB 2 – Kenneth Ross Jr. Police Decertification Act of 2021**

### **SUMMARY**

SB 2 would increase accountability for law enforcement officers that commit serious misconduct and illegally violate a person’s civil rights.

The bill creates a fair and impartial statewide process to revoke the certification of a law enforcement officer following the conviction of certain serious crimes or termination from employment due to misconduct. The bill would authorize the Commission on Peace Officer Standards and Training (P.O.S.T.) to revoke a certificate on specified grounds, as set forth in regulations by the Commission, with due process rights from an administrative law judge.

Finally, the bill strengthens California’s key civil rights law to prevent abuse from law enforcement and other civil rights violations.

### **BACKGROUND**

Nationwide, 46 states have the authority to decertify law enforcement officers. Four states do not have decertification authority: California, Hawaii, New Jersey, and Rhode Island. California, before 2003, nearly expanded its decertification authority through the administrative process. Under current state law, a peace officer can only have their certificate revoked if the certificate was obtained by fraud or misrepresentation or issued as a result of administrative error.

Of the 46 states that have authority to decertify peace officers, there is much variation in how decertification is administered. The two states that have revoked the most peace officer certificates are

Florida and Georgia, which account for approximately 40% of officer decertification nationwide. There are various reasons why Florida and Georgia lead in peace officer decertification, but one of the leading reasons for their respective large numbers is due to the inquiries into misconduct without regard to conviction for certain crimes.

Decertification is one method to improve the state’s accountability for peace officers, but the law must also be strengthened to protect Californians’ civil rights. California, like the federal system, relies on a system of private enforcement of civil rights, requiring robust civil rights laws to protect our cherished constitutional rights. The Tom Bane Civil Rights Act has become one of the most important California civil rights laws. Bane Act claims are included whenever constitutional or other rights are violated by government or private actors, from law enforcement use of excessive force or false arrest, to discrimination, deprivation of medical care in jails or state hospitals, wrongful seizures of property, or violations of voting rights.

The Bane Act provides a private right of action for damages against any person who “interferes,” or “attempts to interfere by threat, intimidation, or coercion,” with the exercise or enjoyment of rights under California or federal law. The Bane Act can apply to both public and private violations of rights. Unfortunately, as the Bane Act has become more utilized, defendants have argued for restrictive court interpretations of the law, and many state and federal courts have issued decisions that greatly impair the reach and effectiveness of this important civil rights remedy.



# Senator Steven Bradford

REPRESENTING THE 35<sup>TH</sup> DISTRICT

## PROBLEM

For years, there have been numerous stories of bad-acting officers committing misconduct and not facing any serious consequences. These officers remain on the force after pleading down to a lesser crime, if prosecuted and convicted at all. Other times, these problematic officers resign or are fired from their employer only to get rehired at another law enforcement agency and continue to commit serious acts of misconduct. California does not have a uniform, statewide mechanism to hold law enforcement officers accountable. Allowing the police to police themselves has proven to be dangerous and leads to added distrust between communities of color and law enforcement.

Furthermore, the Bane Act has been under assault and its original intent undermined. Federal courts have made the doctrine of qualified immunity a more potent obstacle to achieving justice for violations of rights under the federal civil rights law. Revisions are needed to address and clarify a number of recent negative court decisions that brought the Bane Act further out of alignment with its counterpart in federal law. Given the federal issue of qualified immunity, the Bane Act must be a strong resource to defend California civil rights.

## SOLUTION

SB 2 creates a fair and impartial statewide process with due process safeguards to revoke a law enforcement officer's certification for a criminal conviction and certain acts of serious misconduct without regard to conviction. Additionally, the bill would eliminate specific immunities for law enforcement officers sued under the Bane Act.

Law enforcement officers are entrusted with great powers to carry a firearm, stop and search, use force, and arrest; to balance this, they must be held to a higher standard of accountability.

## SUPPORT

Alliance for Boys and Men of Color (Co-Sponsor)  
ACLU of California (Co-Sponsor)  
Anti-Police-Terror Project (Co-Sponsor)  
Black Lives Matter Los Angeles (Co-Sponsor)  
California Faculty Association (Co-Sponsor)  
California Families United 4 Justice (Co-Sponsor)  
Communities United for Restorative Youth Justice (Co-Sponsor)  
PolicyLink (Co-Sponsor)  
STOP Coalition (Co-Sponsor)  
Youth Justice Coalition (Co-Sponsor)  
AFSCME Local 3299  
Against Bigotry, Responding With Action  
Alameda County Public Defender's Office  
All Home  
Alliance San Diego  
American Association of Independent Music  
Artist Rights Alliance  
Asian Prisoner Support Committee  
Asian Solidarity Collective  
Bend the Arc: Jewish Action  
Black Leadership Council  
Black Music Action Coalition  
Brotherhood Crusade  
CA Alliance for Youth and Community Justice  
California Department of Insurance  
California Federation of Teachers  
California Immigrant Policy Center  
California Innocence Coalition  
California Labor Federation  
California NAACP  
California Nurses Association  
California Public Defenders Association  
Californians for Safety and Justice  
Change for Justice  
Children's Defense Fund – California



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Chispa  
City of Compton  
City of Oakland  
Clergy and Laity United for Economic Justice  
Community Advocates for Just and Moral Governance  
Consumer Attorneys of California  
Courage California  
Del Cerro for Black Lives Matter  
Democratic Party of Contra Costa County  
Democratic Party of The San Fernando Valley  
Democratic Woman's Club of San Diego County  
Democrats of Rossmoor  
Disability Rights California  
Drug Policy Alliance  
East Bay for Everyone  
East Valley Indivisibles  
Ella Baker Center for Human Rights  
Empowering Pacific Islander Communities  
Equal Rights Advocates  
Essie Justice Group  
Everytown for Gun Safety Action Fund  
Family Violence Law Center  
Fresno Barrios Unidos  
Friends Committee on Legislation of California  
Fund Her  
Giffords  
Hillcrest Indivisible  
Indivisible CA Statestrong  
Indivisible East Bay  
Indivisible South Bay LA  
Indivisible Yolo  
Initiate Justice  
John Burton Advocates for Youth  
Justice Reinvestment Coalition of Alameda County  
Kensington Community Church  
Kern County Participatory Defense  
LA Voice  
Law Enforcement Accountability Network  
Law Enforcement Action Partnership  
League of Women Voters of California  
Legal Services for Prisoners with Children  
Long Beach Immigrants Rights Coalition

Los Angeles LGBT Center  
Martin Luther King Jr Freedom Center  
Mexican American Bar Association of Los Angeles County  
Mid-city Community Advocacy Network  
Mission Impact Philanthropy  
Moms Demand Action for Gun Sense in America  
Mosques Against Trafficking  
Music Artists Coalition  
National Action Network - Sacramento Chapter  
National Association of Social Workers CA Chapter  
National Council of Jewish Women  
National Institute for Criminal Justice Reform  
National Nurses United  
Nextgen California  
Orange County Emergency Response Coalition  
Organizers in Solidarity  
Pacifica Social Justice  
Palomar Uu Fellowship  
People's Budget Orange County  
Pico California  
Pillars of The Community  
Prosecutors Alliance of California  
Public Health Institute  
Recording Industry Association of America  
Roots of Change  
Salesforce  
San Diegans for Justice  
San Diego Continuing Education  
San Diego Progressive Democratic Club  
San Francisco Bay Area Rapid Transit District  
San Francisco Board of Supervisors  
San Francisco Public Defender  
San Jose State University Human Rights Institute  
Santa Monica Coalition for Police Reform  
Screen Actors Guild-American Federation of Television and Radio Artists  
SEIU California  
Showing Up for Racial Justice Long Beach  
Showing Up for Racial Justice North County  
Showing Up for Racial Justice San Diego  
Silicon Valley Leadership Group  
Smart Justice CA



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Social Workers for Equity and Leadership  
Songwriters of North America  
Southeast Asia Resource Action Center  
Students Demand Action for Gun Sense in America  
Team Justice  
The Resistance Northridge Indivisible  
Think Dignity  
Together We Will/indivisible - Los Gatos  
UDW/AFSCME Local 3930  
Uprise Theatre  
We the People - San Diego  
White People 4 Black Lives  
Yalla Indivisible  
Young Women's Freedom Center

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