



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

YOUTH ALIVE!
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July 29, 2020

The Honorable Reggie Jones-Sawyer
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, CA 95814

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ANNE MARKS
Executive Director
Youth ALIVE!
Oakland, CA

RE: SB 731 (Bradford) - SUPPORT

Dear Assemblymember Jones-Sawyer:

Youth ALIVE! writes in strong support of SB 731, the Kenneth Ross Jr. Police Decertification Act of 2020, (Bradford) which would increase accountability for law enforcement officers that commit serious misconduct and violate a person’s civil rights. Specifically, the bill will create a statewide process to cancel professional certificates issued to officers for serious acts of misconduct. Without these certificates, peace officers are unable to work as law enforcement officers in California. Additionally, the bill strengthens the state’s key civil rights law to correct misinterpretations and impediments to full civil rights enforcement under state law.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Tasked as Oakland’s anchor organization for violence prevention, intervention, and healing, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services. Our decades of experience serving community members who have been impacted by the criminal justice system informs our support of Senate Bill 731.

Under current law, a peace officer must possess a Basic Certificate in order to continue to exercise peace officer powers.¹ A person is eligible to receive a Basic Certificate after completion of 664 hours of the Regular Basic Course training (academy)² and who has served as a full-time peace officer and completed 12 months of probation. A peace officer must acquire the Basic Certificate no later than 24 months after employment.

Nationwide, 45 states have the authority to cancel a peace officer’s certificate (decertify). Five states do not have decertification authority: California, Hawaii, New Jersey, Massachusetts, and Rhode Island. Before 2003, California nearly expanded its decertification authority through the administrative process to deny or cancel certificates for convicted felonies or other serious crimes dealing with sexual assault to a minor or non-consenting adult, assault under color of authority, dishonesty, theft, or narcotic offenses. In 2003, under pressure from law enforcement advocates, the Legislature removed the California Commission on Peace Officer Standards and Training’s authority to deny or cancel a peace officer’s certification, which left the discipline of officers accused of misconduct or abuse of authority to local law enforcement agencies.

¹ [11 California Code of Regulations 1011](#)

² <https://post.ca.gov/regular-basic-course>



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Following the passage and enactment of Senate Bill 1421 (Skinner, Chapter 988, Statutes of 2018), which permitted inspection of certain acts of peace officer misconduct via Public Records Act requests, there have been numerous³ accounts⁴ of officers committing misconduct⁵ and not facing any serious consequences⁶. These officers remain on the force after pleading down to a lesser crime, if prosecuted and convicted at all. Other times, these problem 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.⁷ This bill would bring California in line with the majority of the nation in creating a statewide structure to revoke certificates from people that should no longer be peace officers.

Additionally, this bill seeks to address and clarify a number of negative court decisions that have made meaningful redress for civil rights violations under the Tom Bane Civil Rights Act⁸ more difficult. The California remedy for civil rights violations has increased in importance in all civil rights cases, including use of force cases, under the Trump Administration. Federal courts have made the doctrine of qualified immunity a more and more potent obstacle to achieving justice for violations of rights under federal civil rights law. Importantly, qualified immunity does not apply to state law claims, including violations of the Bane Act. Given that federal law seems unlikely to change soon, it is imperative that the state act now to strengthen the ability of California families to seek justice against police officers that killed their loved one.

The Bane Act has come under attack by courts making it more difficult for people and families seeking remedy based on civil rights violations. The proposed changes are needed to make the Bane Act a strong resource to defend California civil rights and hold police officers accountable for police brutality.

The voices from the community are clear: the status quo must change, and the state must hold law enforcement officers accountable for the harm and terror inflicted on communities of color. SB 731 creates a statewide mechanism to hold peace officers accountable and further protects Californians' civil rights.

For these reasons, Youth ALIVE! strongly supports SB 731 and respectfully requests your "AYE" vote.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks", is written over a light blue horizontal line.

Anne Marks
Executive Director

³ <https://www.sacbee.com/news/investigations/article237088804.html>

⁴ <https://www.mercurynews.com/2019/11/10/these-california-police-officers-were-charged-with-brutalizing-loved-ones-so-why-are-so-many-still-carrying-a-gun/>

⁵ <https://www.sanluisobispo.com/news/local/investigations/article237156239.html>

⁶ <https://www.dailynews.com/2019/12/16/state-needs-a-process-to-decertify-bad-cops/>

⁷ <https://www.sacbee.com/news/investigations/article237090084.htm>

⁸ http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=52.1.