



# CONSUMER ATTORNEYS



## SB 2 (Bradford): Preventing and Seeking Justice for Illegal Use of Force

### **SUMMARY:**

Current law in California offers an inordinate level of protection for police officers who violate the civil rights of those they are sworn to protect. California must act now to (1) create a process to decertify officers who violate the law to prevent re-offense, and (2) ensure legal accountability for those who are injured or killed by illegal use of force by ending immunity for officers who violate the law.

### **PROBLEM:**

Existing law creates a loophole that allows violence-prone officers to create an unsafe culture for the citizens they are sworn to protect.

### **THE SOLUTION:**

#### **(1) PREVENTING ILLEGAL USE OF FORCE – Decertification:**

SB 2 would remove California from the list of just five states that do not have a decertification process for violence-prone police officers. Without a state structure for decertification, an officer who is fired for misconduct can easily be hired at another police department, commit more transgressions and further erode community trust in law enforcement.

#### **(2) ACCOUNTABILITY & JUSTICE – Restore the Tom Bane Civil Rights Act:**

A series of recent, bad court decisions have undermined the Tom Bane Civil Rights Act, creating unprecedented immunity for officers. There is no recourse federally, because civil rights laws have been eviscerated by qualified immunity. Restoring the Bane Act to serve its original intent, by correcting recent court-created immunities, will restore Californians' right to pursue justice when they have been injured or killed by illegal use of force.

### **Immunity for Intent**

Because of one bad 2017 court decision, a victim of police violence must now prove an officer had the mental “hate motivation” and specifically intended to violate their civil rights, instead of looking to their actions to prove illegal use of force. Proving mental intent is nearly impossible absent an admission from the officer.

### **Immunity for Actions against Prisoners & Planting Evidence**

Another 2017 court ruling granted officers sweeping immunity. Officers who plant evidence, fabricate police reports, or lie under oath are immune from a malicious prosecution claim under the Bane Act. Officers are also immune for any excessive force injuries (or deaths) to “prisoners,” a broad term that can include anyone from an inmate to someone being held, but never charged, under arrest. As a result, officers have near-total freedom to behave outside the law; they can strip almost anyone of their Constitutional rights without consequence.

### **Immunity for Death**

As the law currently stands, victims who are injured due to illegal use of force can seek justice under the Bane Act but victims who are killed by illegal force cannot. Currently, the only redress that surviving families can seek under the Bane Act is for illegal death is funeral costs.

SB 2 will allow for decertification of bad cops and will correct case made immunities to restore California’s historic civil rights law to its original intent.

### **PRIORITY SUPPORT**

Consumer Attorneys of California (CAOC)  
Nancy Peverini                      Saveena Takhar  
[nancyp@caoc.org](mailto:nancyp@caoc.org)                      [stakhar@caoc.org](mailto:stakhar@caoc.org)