

SB 731 (Bradford): Police Civil Rights Abuses Decertification & Restoring CA Civil Rights Law

SUMMARY: Amid endless revelations of police civil rights violations against people of color, we must make changes to promote accountability and foment cultural change in police departments. This bill, sponsored by a coalition of organizations pursuing police reform including the American Civil Liberties Union, seeks to prevent illegal use of force and ensure accountability when illegal use of force occurs in two ways:

- (1) Remove California from the list of five states that don't allow decertification of officers fired for misconduct.
- (2) Bolster the Tom Bane Civil Rights Act to its original strength after having being undercut by bad court rulings.

DECERTIFICATION:

SB 731 would remove California from the list of just five states that do not allow the decertification of violence-prone police officers. Without a state structure for decertification of bad apples, an officer who is fired for misconduct can easily be hired at another police department, commit more transgressions and further destroy community trust in law enforcement.

BANE CIVIL RIGHTS ACT:

California's important state civil rights law, the Tom Bane Civil Rights Act, has been undercut by bad court decisions in the three decades since it was approved. Federal civil rights laws have been eviscerated due to qualified immunity, making it imperative that we strengthen California's key civil rights law to prevent law enforcement abuses and other civil rights violations. The Bane Act was intended to forbid anyone from interfering by force or threat of violence with your rights, including due process and protection from harm. As state law now stands, a victim of police violence has to prove an officer specifically

intended to violate their civil rights, which is nearly impossible in most cases.

Proof of "hate motivation" [Specific Intent]

SB 731 will clarify that the Bane Act requires general intent, not specific intent. With specific intent, a victim not only has to prove an officer violated their Constitutional right to be free of excessive force, they must also get into the mind of the officer to prove they intended to violate the Constitutional right to be free of excessive force.

No state law immunities for civil rights violations

An unfortunate case said that all state immunities apply to the Bane Act, contrary to the goal of the Act. By expanding governmental immunities to violations of your civil rights, many individuals whose rights have been violated cannot seek justice. For example, California law provides complete immunity for any and all injuries to prisoners – even prisoners whose civil rights were violated.

Give victims who are killed the same rights as the injured

SB 731 clarifies that the Bane Act can be utilized when someone is killed as a result of a civil rights violation. Currently victims of police brutality in California are limited to only funeral expenses if the victim was killed instead of injured.

SOLUTION: Bolstering the Bane Act will give California the clear and effective civil rights laws we need to ensure justice and accountability.

PRIORITY SUPPORT

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