

File No. 210126

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: February 9, 2021

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Prepared by: Lisa Lew

Date: February 5, 2021

Prepared by: _____

Date: _____

1 [Supporting California State Senate Bill No. 2 (Bradford) - Police Officers, Certification, and
2 Civil Rights]

3 **Resolution supporting California State Senate Bill No. 2, authored by Senator Steven**
4 **Bradford and co-authored by Senate President pro Tempore Toni Atkins, on Peace**
5 **Officers, Certification, and Civil Rights.**

6
7 WHEREAS, Law enforcement across the United States have a history of using
8 excessive use of force on people of color especially on Black and Brown men; and

9 WHEREAS, Law enforcement officers involved in excessive use of force incidents are
10 often not reprimanded, fired, or charged after murdering a person; and

11 WHEREAS, On March 21, 2014, Alex Nieto, a 28-year-old life-long San Francisco
12 Bernal Heights resident, was shot and killed at Bernal Heights Park by four San Francisco
13 Police Department officers while sitting and enjoying his dinner before work; and

14 WHEREAS, On July 17, 2014, Eric Garner, a 27-year-old Black man, said his last
15 words "I can't breathe," as he was killed by New York City police officers as they sat on his
16 head and pinned him to the ground on a sidewalk; and

17 WHEREAS, On August 9, 2014, Michael Brown Jr., an 18-year-old Black recent high
18 school graduate, was shot six times in the head and right arm by a Ferguson police officer
19 killing him; and

20 WHEREAS, On November 22, 2014, Tamir Rice, a 12-year-old Black boy, was shot
21 and killed by Cleveland Police for holding a toy gun; and

22 WHEREAS, On April 12, 2015, Freddie Gray, a 25-year-old Black man, suffered a
23 severely damaged spinal cord while in the custody of the Baltimore Police Department and
24 died following a seven-day coma; and

25

1 WHEREAS, On December 2, 2015, Mario Woods, a 26-year-old Bayview Black man,
2 was surrounded by San Francisco Police Department officers and shot more than 20 times
3 and no charges were ever filed against the officers who shot him; and

4 WHEREAS, On May 19, 2016, Jessica Williams, a 29-year-old Black San Francisco
5 woman, was shot and killed by a San Francisco Police Department officer with a single shot
6 and the officer who shot her was recommended for firing but instead was suspended for only
7 45 days; and

8 WHEREAS, On July 5, 2016, Alton Sterling, a 37-year-old Black man, was shot at
9 close range by two white Baton Rouge police officers in Louisiana; and

10 WHEREAS, On July 6, 2016, Philando Castile, a 32-year-old Black man, was shot and
11 killed during a traffic stop in Falcon Heights, Minnesota, in front of his partner and her
12 daughter; and

13 WHEREAS, On April 7, 2016, Luis Gongora-Pat, a 45-year-old homeless San
14 Francisco resident, was shot and killed by San Francisco Police Department officers in the
15 Mission District and the Department of Police Accountability subsequently found that the
16 officer failed to create time and distance before firing; and

17 WHEREAS, On April 7, 2017, Amilcar Perez-Lopez, a 21-year-old Guatemalan
18 immigrant, was shot and killed by San Francisco Police Department officers in the Mission
19 District and the officers were subsequently cleared in 2017 by former District Attorney George
20 Gascón; and

21 WHEREAS, On March 13, 2020, Breonna Taylor, a 26-year-old Black emergency
22 medical technician woman, was shot and killed while sleeping by three Louisville Metro Police
23 Department officers who broke into her apartment executing a wrong search warrant and at
24 the introduction of this Resolution, these officers still have not been arrested, reprimanded, or
25 fired; and

1 WHEREAS, On May 25, 2020, George Floyd, a 46-year-old Black man, was
2 handcuffed and killed by Minneapolis police kneeling on his neck, restricting his breath for
3 over eight minutes, thus reigniting nationwide protests against police brutality and a national
4 call for police reform; and

5 WHEREAS, On May 31, 2020, Justin Howell, a 20-year-old Black Texas State
6 University student, was shot in the head with “less-lethal” rounds by Austin police officers
7 while protesting police brutality and is currently still hospitalized with a fractured skull and
8 brain damage; and

9 WHEREAS, On June 2, 2020, Sean Monterrosa, a 22-year-old San Francisco resident,
10 was shot five times and killed by a Vallejo Police Department officer despite kneeling,
11 unarmed, and having his hands up in a surrender position; and

12 WHEREAS, On June 3, 2020, Jamel Floyd, a 35-year-old Black man with known
13 asthma and diabetes conditions was pepper sprayed by staff and died in custody at the
14 Metropolitan Detention Center in Brooklyn, a prison known for inhuman conditions; and

15 WHEREAS, On August 23, 2020, Jacob Blake, a 29-year-old Black man, was shot
16 seven times in front of his three children while trying to get into his car by a Kenosha police
17 officer in Wisconsin and he is now paralyzed waist down; and

18 WHEREAS, From 2016 through 2019, police killed 621 Californians, and police
19 departments in our state have some of the highest rates of killings in the nation; and

20 WHEREAS, Of the unarmed people California police killed, three out of four were
21 people of color and Black and Latinx families and communities of color are disproportionately
22 vulnerable to police violence, creating generations of individual and community trauma; and

23 WHEREAS, These are just a few examples of the countless stories of excessive use of
24 force resulting in death or injury by law enforcement officers on Black and Brown people; and

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1 WHEREAS, Without systematic police reform, police brutality against Black and Brown
2 communities will continue to happen and police officers who commit serious misconduct will
3 not be held accountable; and

4 WHEREAS, California currently does not license its police force and it is one of only
5 five states that is unable to decertify officers who commit serious misconduct; and

6 WHEREAS, More than 200 professions and trades, including doctors, lawyers, and
7 contractors are licensed or certified by the State of California in order to maintain professional
8 standards and to protect the public; and

9 WHEREAS, California police officers have more authority than nearly any other
10 profession with the power to carry a firearm, stop and search, arrest, and even use deadly
11 force on people without having a license to do so; and

12 WHEREAS, California is one of only five states in the nation that does not have the
13 authority to decertify law enforcement officers who have committed serious misconduct and
14 other states, such as Florida and Georgia, have led the nation in police officer decertification
15 by inquiring into misconduct without regard to conviction for certain offenses; and

16 WHEREAS, Without a strong decertification process, law enforcement officers who
17 have committed misconduct, been fired, or resigned under investigation are allowed to
18 bounce from community to community; and

19 WHEREAS, The San Francisco Board of Supervisors passed Resolution 291-20 on
20 June 23, 2020, urging the San Francisco Civil Service Commission to adopt rules to disqualify
21 any applicant for employment in the Uniformed Ranks of the Police Department and the
22 Sheriff's Office based on prior acts of misconduct; and

23 WHEREAS, Senate Bill No. 2 (SB 2), introduced by Senator Steven Bradford and co-
24 sponsored by Senate President pro Tempore Toni Atkins, will create a statewide

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1 decertification process to revoke the certification of a peace officer following the conviction of
2 serious crimes or termination from employment due to misconduct; and

3 WHEREAS, SB 2 will strengthen the Tom Bane Civil Rights Act to prevent law
4 enforcement abuses and other civil rights violations; and

5 WHEREAS, The judicially created doctrine of qualified immunity in federal courts, and
6 broad interpretations of California law immunities and restrictive views on the cause of action
7 under the Tom Bane Civil Rights Act, too often lead to officers escaping accountability in civil
8 courts, even when they have broken the law or violated the rights of members of the public;
9 and

10 WHEREAS, SB 2 is supported by a coalition of community organizations including:
11 Alliance for Boys and Men of Color, ACLU of California, Anti-Police-Terror Project, Black Lives
12 Matter Los Angeles, California Families United 4 Justice, Communities United for Restorative
13 Youth Justice, PolicyLink, STOP Coalition, and Youth Justice Coalition; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
15 State Bill No. 2, Police Officers, Certification, and Civil Rights, and urges the California State
16 Legislature to pass this bill in order to address the effects of police brutality in Black and
17 Brown communities and create tools of accountability for misconduct within law enforcement;
18 and, be it

19 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
20 Board to transmit a copy of this Resolution to the California State Assembly and the California
21 State Senate as well as the Bill's primary sponsor, State Senator Steven Bradford.

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Introduced by Senators Bradford and AtkinsDecember 7, 2020

An act relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 2, as introduced, Bradford. Peace officers: certification: civil rights.

Existing law, the Tom Bane Civil Rights Act, authorizes a civil action to be brought against a person who, whether or not acting under color of law, interferes with the exercise of another's constitutional and legal rights. Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. Existing law authorizes the commission to establish a professional certificate program that awards certificates on the basis of a combination of training, education, experience, and other prerequisites, for the purpose of fostering the professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. Existing law authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.

This bill would state the intent of the Legislature to enact legislation amending the Tom Bane Civil Rights Act and to provide a decertification process for peace officers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) As the Legislature and courts of this state have repeatedly
4 recognized, police officers, sheriffs' deputies, and other peace
5 officers hold extraordinary powers to detain, search, arrest, and
6 use force, including deadly force. The state has a correspondingly
7 strong interest in ensuring that peace officers do not abuse their
8 authority, including by ensuring that individual peace officers who
9 abuse their authority are held accountable.

10 (b) California is one of the last few states that does not have a
11 process for revoking peace officer certificates as a result of
12 misconduct. Nationwide, 45 states have the authority to decertify
13 peace officers. Five states do not have decertification authority:
14 California, Hawaii, New Jersey, Massachusetts, and Rhode Island.

15 (c) From 2016 through 2019, police killed 621 Californians,
16 and police departments in our state have some of the highest rates
17 of killings in the nation. Of the unarmed people California police
18 killed, three out of four were people of color. Black and Latino
19 families and communities of color are disproportionately vulnerable
20 to police violence, creating generations of individual and
21 community trauma.

22 (d) More than 200 professions and trades, including doctors,
23 lawyers, and contractors are licensed or certified by the State of
24 California in order to maintain professional standards and to protect
25 the public. Law enforcement officers are entrusted with
26 extraordinary powers, including the power to carry a firearm, stop
27 and search, arrest, and use force. They must be held to the highest
28 standards of accountability, and the state should ensure that officers
29 who abuse their authority by committing serious or repeated
30 misconduct, or otherwise demonstrate a lack of fitness to serve as
31 peace officers, are removed from the streets.

32 (e) To ensure public trust that the system for decertification will
33 hold peace officers accountable for misconduct and that
34 California's standards for law enforcement reflect community
35 values, it is the intent of the Legislature that the entities charged
36 with investigating and rendering decisions on decertification shall
37 be under independent civilian control and maintain independence
38 from law enforcement.

1 (f) Civil courts provide a vital avenue for individuals harmed
2 by violations of the law by peace officers to find redress and
3 accountability. But the judicially created doctrine of qualified
4 immunity in federal courts, and broad interpretations of California
5 law immunities and restrictive views on the cause of action under
6 the Tom Bane Civil Rights Act, too often lead to officers escaping
7 accountability in civil courts, even when they have broken the law
8 or violated the rights of members of the public. The civil court
9 process should ensure that peace officers are treated fairly, but that
10 they can be held accountable for violations of the law that harm
11 others, especially the use of excessive force.

12 SEC. 2. It is the intent of the Legislature to enact legislation
13 amending the Tom Bane Civil Rights Act and to provide a
14 decertification process for peace officers.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton, Melgar, Stefani, Chan, Mar

Subject:

Supporting California State Senate Bill No. 2 (Bradford) – Police Officers, Certification, and Civil Rights

The text is listed:

Resolution supporting California State Senate Bill No. 2, authored by Senator Steven Bradford and co-authored by Senate President pro Tempore Toni Atkins, on Peace Officers, Certification, and Civil Rights.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

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