



August 24, 2020

**National Police
Accountability Project**

*A Project of the National
Lawyers Guild*

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The Honorable Ken Cooley,
Chair Assembly Rules Committee
State Capitol, Room 3013
Sacramento, CA 95814

RE: SB 731 (Bradford) - ACTIVE SUPPORT

Dear Assembly Member Cooley:

I write on behalf of the National Police Accountability Project (NPAP) in support of SB 731. NPAP was founded in 1999 to address misconduct by law enforcement and detention facility officers. NPAP has more than 600 attorney-members throughout the United States, including almost 100 in California; these attorneys represent plaintiffs in civil actions alleging misconduct by law enforcement and detention facility officers. NPAP provides training and support for attorneys and other legal workers, public education and information on issues related to misconduct and accountability, and resources for non-profit organizations and community groups involved with victims of law enforcement and detention facility misconduct. NPAP also appears as amicus curiae in cases which present issues of particular importance for the clients of its lawyers, and supports legislative efforts aimed at increasing accountability.

SB 731 is critical and necessary civil rights legislation for California. Contrary to the specters raised by the California Association of Highway Patrolmen (CAHP) and the Peace Officers Research Association of California (PORAC) in their letter dated August 24, 2020, the decertification process set forth in SB 731 will not deprive peace officers of their due process rights. In fact, California is only one of five states that do not already have such a decertification process. It is long past the time when California should have enacted similar protections for its people from public officers who have seriously abused their trust, usually multiple times.

The SB 731 amendments to the Bane Act also are critically important and overdue. SB 731 does not create any new rights or new causes of actions against law enforcement and other government officials. It simply will bring the Bane Act back to its original intent and purpose, correcting erroneous court decisions that over the years have eroded the effectiveness of California's premier civil rights law. California law enforcement officers should not have immunity from their serious Constitutional violations, as the California Supreme Court long ago held. See *Rose v. State of California* (1942) 19 Cal.2d 713, 725 ("it is elementary that the legislature by statutory enactment may not abrogate or deny a right granted by the Constitution."). As the federal defense of qualified immunity neutralizes federal civil rights accountability for law enforcement officers who violate rights, SB 731 will allow California to have an effective system of private civil rights enforcement.

We respectfully request your "yes" vote in favor of SB 731. If you have any questions, please contact me at (510) 484-8208.

Sincerely,

Michael J. Haddad
Past-President
National Police Accountability Project