

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

SUMMARY: SB 2, a California Legislative Black Caucus priority bill, sponsored by the Let us Live Coalition and ACLU, seeks to prevent the excessive use of force and ensure accountability when illegal use of force occurs by creating a decertification process for officers fired for misconduct and ensuring justice for families when the system fails.

PROBLEM: Existing law 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 four 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 – Ending Law Enforcement Immunities:

As amended in Senate Appropriations 5/20/21:

- Those who die at the hands of law enforcement *can* seek justice for a civil rights violation **if** the conduct was a crime of violence or a crime of moral turpitude.
- Officers *will not* have absolute immunity for injuring prisoners, refusing to provide them medical care, and the filing of false police reports or planting evidence.
- The provision on intent has been removed from the bill.

Law enforcement officers in California currently enjoy unprecedented immunity from the consequences of violating someone's civil rights with excessive force. Kenneth Ross Jr., an unarmed Black man, was killed in broad daylight – gunned down in Gardena, CA by an officer wielding an automatic rifle. Years later, Kenneth's family has been unable to bring that officer to justice because court-created immunities in California and qualified immunity at the federal level have made it nearly impossible to hold rogue officers accountable for using excessive force.

Ending Immunity for Actions against Prisoners & Planting Evidence

Officers who plant evidence, fabricate police reports, or lie under oath are also immune in California. The Oakland Riders scandal – where four veteran officers were alleged to have kidnapped, planted evidence, and beaten citizens – had to be tried in federal courts, because California's civil rights laws aren't strong enough to hold rogue cops accountable.

Ending Immunity for Death

Perversely, if an officer's illegal use of force injures someone they may bring a civil rights action; however, if the officer's same action kills someone, families have no justice in California. This status quo sets a dangerously low ceiling for justice when it is easier for citizens to hold an officer accountable for causing injury than it is to hold them accountable for causing death. .

California must join the 46 other states with the power to remove abusive cops from their communities and give families the opportunity to hold police officers accountable.

Priority Support

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