



Tomiquia Moss
tmoss@allhomeca.org

5/7/2021

The Honorable Steven Bradford
State Capitol, Room 2059
Sacramento, California 95814

RE: SB 2 (Bradford & Atkins) - SUPPORT

Dear Senator Bradford & Pro Tem Atkins:

All Home writes in strong support of SB 2, the Kenneth Ross Jr. Police Decertification Act of 2021, which would increase accountability for law enforcement officers that commit serious misconduct and violate a person's civil rights. Specifically, the bill will create a fair and impartial statewide process to revoke professional certificates issued to officers for serious misconduct. Without these certificates, persons are unable to work as law enforcement officers in California. Additionally, the bill strengthens the Tom Bane Civil Rights Act (Bane Act) to correct misinterpretations and impediments to full civil rights enforcement under state law.

Under current law, a law enforcement officer must possess a Basic Certificate in order to continue to exercise law enforcement officer powers.¹ A person is eligible to receive a Basic Certificate after completion of Basic Course training (academy) and who has served as a full-time law enforcement officer and completed 12 months of probation. An officer must acquire the Basic Certificate no later than 24 months after employment.

Nationwide, 46 states have the authority to cancel or revoke an officer's certificate (decertify). Four states do not have decertification authority: California, Hawaii, New Jersey, and Rhode Island. Massachusetts just passed their version of decertification in Fall 2020. Before 2003, California nearly expanded its decertification authority through the administrative process to deny or cancel certificates for convicted felonies or other serious crimes dealing with sexual assault to a minor or non-consenting adult, excessive use of force, dishonesty, theft, or narcotic offenses. In 2003, under pressure from law enforcement advocates, the Legislature removed the California Commission on Peace Officer Standards and Training (POST)'s authority to deny or cancel an officer's certification, which left the discipline of officers accused of misconduct or abuse of authority to local law enforcement agencies, allowing the police to police themselves, leaving out accountability and oversight.

Following the passage and enactment of Senate Bill 1421 (Skinner, Chapter 988, Statutes of 2018), which permitted inspection of certain acts of officer misconduct via Public Records Act requests, there have

¹ [11 California Code of Regulations 1011](#)

been numerous² stories³ of officers committing misconduct⁴ and not facing any consequences⁵. These officers remain on the force after pleading down to a lesser crime- if prosecuted and convicted at all. Other times, these officers resign or are fired from their employer, only to get rehired at another law enforcement agency and continue to commit serious acts of misconduct.⁶ A clear case of this can be seen in the murder of Kenneth Ross, Jr, who was killed by Michael Robbins, who shot four other people previously. This bill would bring California in line with the majority of the nation in creating a statewide structure with due process safeguards to revoke certificates from people that should no longer be law enforcement officers.

Additionally, this bill seeks to address and clarify court decisions that have made meaningful remedy for civil rights violations under the Bane Act essentially useless. The Bane Act is California's most broadly applicable and essential civil rights law. Bane Act claims are included whenever constitutional or other rights are violated by government or private actors, most commonly from law enforcement's use of excessive force or false arrest.

The California remedy for civil rights violations has increased in importance in all civil rights cases, including use of force cases under the previous Trump Administration. Federal courts have made the doctrine of qualified immunity an increasingly potent obstacle to achieving justice for violations of rights under federal civil rights law. Importantly, qualified immunity does not apply to state law claims, including violations of the Bane Act. Given that federal law is slow to make meaningful change, it is imperative that the state act now to strengthen the ability of Californians who have their rights violated and impacted families to seek justice for loved ones killed by law enforcement officers.

The voices from the community are clear: the status quo must change, and the state must hold law enforcement officers accountable for the harm and terror inflicted on communities of color. SB 2 creates a fair and impartial statewide mechanism to hold law enforcement officers accountable and further protects the civil rights of Californians.

For these reasons, All Home strongly supports SB 2.

Sincerely,

Tomiquia Moss

Tomiquia Moss
Founder & CEO, All Home

cc: Christopher.Morales@sen.ca.gov
dcuevas-romero@acluca.org

² <https://www.sacbee.com/news/investigations/article237088804.html>

³ <https://www.mercurynews.com/2019/11/10/these-california-police-officers-were-charged-with-brutalizing-loved-ones-so-why-are-so-many-still-carrying-a-gun/>

⁴ <https://www.sanluisobispo.com/news/local/investigations/article237156239.html>

⁵ <https://www.dailynews.com/2019/12/16/state-needs-a-process-to-decertify-bad-cops/>

⁶ <https://www.sacbee.com/news/investigations/article237090084.htm>