

Assembly Bill 931

The Assembly Bill labeled, *AB 931*, which has as its goal prosecution of law enforcement officers for using deadly force, even if the use of force was "reasonable." The bill seeks to replace the 146-year-old "reasonable" standard for judging use of force with a new standard that requires a determination if the force was "necessary." This newly invented standard allows prosecutors to second guess the actions of a law enforcement officer and file charges if they decide the officer should have taken a different course of action.

What was very illuminating and disappointing was the open contempt several California state senators expressed for law enforcement officers during debate on the bill, including their belief that deputies and police officers are "racists." From a Sacramento Bee article regarding a committee vote on the bill: "Several lawmakers expressed that the bill was necessary to address a deeper problem of racism in policing. 'It always blows me away when law enforcement fear for their life only when they're facing black and brown people,'" Sen. Steve Bradford, D-Gardena.

Actually, Senator Bradford, the reality is otherwise! Just this past month, Harvard Professor Roland G. Fryer, Jr. published a short preview of his upcoming critique of other datasets on police shootings, which he concluded had used faulty regression equations to suggest racial bias in officer-involved shootings. Instead, wrote the professor, "after controlling for suspect demographics, officer demographics, encounter characteristics, suspect weapon and year fixed effects, that blacks are 27.4% percent less likely to be shot at by police relative to non-black, non-Hispanics. Investigating the intensive margin -- who shoots first in an encounter with police or how many bullets were discharged in the endeavor -- there are no detectable racial differences."

These facts will not matter to Senator Bradford, who in his diatribe also made the nonsensical statement that the "reasonableness" standard for evaluating the use of deadly force was only enacted after slavery "as another way of suppressing black people in this county." Never mind this standard was articulated as the bedrock for evaluating use of force in 1989 by a unanimous United States Supreme Court in *Graham v. Connor*. Nor will facts and reason matter to the activists who want this radical change in law so they can successfully demand prosecution of every police officer who uses deadly force -- this was vividly exemplified by their screaming disruption of an event featuring the bill's author and panelists who supported the legislation early this month in San Francisco.

As consideration of this bill moves forward, the myriad policy reasons regarding why "reasonableness" is the appropriate standard and should remain will be presented to legislators. Personal antipathy towards law enforcement, as expressed by those such as Senator Bradford, has no place in these discussions. FresnoDSA and PORAC will

continue to work and ensure our local delegation continue to support our position and safety of all law enforcement within the Central Valley. I am proud to say that the Assemblyman and Senators representing us here in the Fresno County and the Central Valley are not in support of such legislation.

US Supreme Court Decision – Janus v. AFSCME

The United States Supreme Court has ruled that government workers who choose not to join unions may not be required to help pay for collective bargaining. The majority based its ruling on the First Amendment, saying that requiring dues deductions to unions that negotiate with the government forces workers to endorse political messages that may be at odds with their beliefs.

This applies to so-called agency fee payers. As you know, employees have had the option to “opt out” of the union, and only pay a portion of the dues necessary to run the union, but not fund the political activities. These agency fee payers now will not have to pay any dues to the union unless they affirmatively sign up for the union.

FDSA believes this poses a problem mainly for the larger, non-public safety unions rather than smaller associations, especially public safety. Most public safety associations do not have great numbers of agency fee payers, including our own FDSA. Most sworn personnel are members of the union and for good reason. For police associations in the legal defense fund, bargaining unit members are required to be members of the association which means they will have to pay to be in the association to get LDF coverage and any law enforcement personnel who decline to have LDF coverage are placing their careers in serious jeopardy. The LTD/STD (Long/Short Term Disability Program) are also 100% enrollment under the current plan. Meaning each member of the association shall be enrolled. This is extremely important when an off or on the job injury should occur and supplemental income/benefits are needed due to this injury.

What prompted the Janus case (preceded by Fredricks) were your larger international type of unions, i.e. SEIU, AFSCME, etc were charging “fair share/service fee,” and using that money directly for political action. This money was not being used for the operation of the association as it was directed for. As you know, Political Action or PAC is a voluntary contribution by each member. These PAC dues allow the association to be politically active with candidates and issues that can have effect on our hours, wages, working conditions. FDSA is extremely frugal when it comes to your PAC dues and uses these funds to help support our local board of supervisors and local state delegation in Sacramento that will have a direct impact on the FDSA and its members.

As you can see, there are many issues going on in the world of law enforcement labor. We are monitoring another Congressional Bill that was introduced last week dealing with pensions and the calculation of the unfunded liability. At this stage, it is unknown where the bill will be headed. However, PORAC and its lobbyists, Steptoe and Johnson will be monitoring the interworking and what the bill really is calling for. Off the surface it is representative of a similar local initiative ran in the City of San Diego about 6 years ago.

I want to continue to ensure this membership – again no matter your job assignment, we continue to represent your best interests when protecting your hours, wages and working conditions. Myself, along with your FDSA board work tirelessly to make sure all of you are represented to the best of our abilities here. I offer, as I have throughout my tenure as your President of FDSA, any time anyone of you have questions, need to meet, or have suggestions – I will make myself available for all of that. Without proper communication no one will know the correct answers.

Stay safe out there and watch over one another.

Eric