

## **AB1506**

As most of you may be aware, AB 1506 has now been signed into law and is being implemented throughout California.

I have not addressed this in previous messages, because former Attorney General, Xavier Becerra was of the opinion this was going to be difficult for his office to carry out. The way the bill was structured was one of Becerra's concerns.

However, this changed after Becerra was chosen as part of President Biden's Cabinet.

A new Attorney General, Rob Bonta has been appointed by Governor Newsom.

As you read through the law and how it's been crafted, it appears to have been hastily put together with very little organization.

Already, homicide detectives from the Fresno County Sheriff's Office are explaining how this will impact some officer involved shooting investigations.

Please note, this does *not* apply to every officer-involved shooting.

The criteria laid out in the bill includes three basic elements that **must** be met. The subject is deceased, unarmed, and died as a result of law enforcement officers. What that means for the Fresno Sheriff's Office, and for deputies, is still to be seen.

### **THERE ARE A FEW THINGS YOU NEED TO KNOW:**

**The DOJ is only authorized to investigate Officer-Involved-Shootings in which the suspect was NOT armed with a deadly weapon and where the suspect was killed. MOST of the OIS's that have occurred within this Department within the last 20 years would NOT fall into this category.**

**When the criteria above are met, the DOJ is required to investigate, but that does not mean they will take over or even lead the investigation. In fact, thus far, the DOJ has indicated that the default is that it will NOT take over any investigation, but will instead attempt to involve themselves with the investigations. This does mean that it is quite likely that investigations will proceed the way they normally do.**

**One thing that IS different is that there is likely to be even more pressure on deputies to provide voluntary statements – given it creates a procedural headache for both the Sheriff's Office and the DOJ when a deputy exercises his or her right to NOT give a voluntary statement. However, this does not change the advice we have been providing deputies for many years - that each situation is unique and must be analyzed based on all of the facts unique to each OIS.**

**Related to the third item, it is absolutely critical that you discuss your OIS with DSA counsel – immediately, and in all circumstances prior to providing any substantive statement about an OIS. The potential involvement of the DOJ does not change this, or the way we intend to protect your individual rights.**

**Historically we have been able to work collaboratively with the Sheriff's Office in making sure OIS investigations are handled appropriately, and we intend to continue to do so, regardless of who is involved in the investigation.**

**As things transpire, FSO or FDSA will be passing on the information to our deputies to protect your rights as a peace officer.**

### **Narrative: Defund the Police**

"Defund the police" has been a national trend at play for a year. The Walls Street Journal published a detailed update on where "defund" is in major cities across the country. The significant take away from the article was "defunding the police" is a bust. [Click to read the article.](#) (right click and select Open Hyperlink)

### **Richmond POA**

However, the Walls Street Journal article was cold comfort for the members of the Richmond POA. Despite all the warnings, and obvious "defund" failures elsewhere it appeared in May that the Richmond City Council was actually going to defund their police department.

In an in-depth article in the San Francisco Chronicle, the real world impacts of defunding the Richmond PD - to include laying off police officers - was examined. [Click here to read the article.](#) (right click and select Open Hyperlink)

However, as I write this, the chances of defunding Richmond PD have greatly diminished. This change in fortunes is entirely due to the hard work and dedication of the leadership of the Richmond POA. The union assessed their members and employed the money to run an effective grassroots campaign against defunding.

***“The original intent of the task force — making law enforcement better — was hijacked, and it turned into a defund task force,” - Ben Therriault, Richmond POA.***

Richmond POA's success in fighting back is an example to us all. But, Richmond's story is also a cautionary tale about where we are going as a society.

In July 2020, I was invited to participate in a podcast with Central Valley Congressman Devin Nunes. During this one-on-one interview, specifically discussing defunding police – my statement was very clear about this issue. Defund – means exactly that – you no longer fund. It doesn't mean take a little away, it doesn't mean partial, it means the entire budget. The radical left and the media who feed this type of discussion- don't understand what this means. You either fund or you don't fund. Anyone who has ever sat through a budget hearing for any municipality will tell you the same. There are cuts, cutbacks, and defunding altogether.

The national discussion on police reform is heating up again.

President Biden has put his own time frame on this issue, adhering to supporters of the radical left who are urging he and Vice President Harris to make this historic move. The move to move forward on police reform has not been thoroughly vetted, and is being driven by the left media to make the narrative false to the public. The goal is to try to circumvent police chiefs, sheriff's and line staff personnel from having an opinion on this issue.

We all need to be working together to defeat this movement- that would cripple our profession. Every police union across this country is doing its part to push back and not sit back and wait to see what is handed down by the left wing delegation in Washington.

Here is a snapshot from an article posted by Axios regarding International Police Union Association (IUPA):

A national police union is spending hundreds of thousands of dollars attacking The Squad, records show.

**Why it matters:** The \$510,000 in spending by two PACs associated with the International Union of Police Associations is the largest independent political expenditure of the 2022 cycle to date. It appears geared less toward unseating any of the members and more toward raising money for the groups themselves.

**What's happening:** Both groups — Law Enforcement for a Safer America PAC and Honoring American Law Enforcement PAC — are affiliated with the International Union of Police Associations.

- [The Florida-based IUPA](#) represents about 20,000 law enforcement professionals.
- Together, the two PACs reported spending \$127,500 attacking each of the four House Democrats in the progressive "Squad": Reps. Alexandria Ocasio-Cortez of New York, Ilhan Omar of Minnesota, Ayanna Pressley of Massachusetts and Rashida Tlaib of Michigan.

- That's more than any independent political group has reported, so far, on a single independent expenditure in a 2022 midterm race.
- The actual content of the text messages was not immediately clear. Neither PAC responded to requests from Axios for comment.

**Between the lines:** None of the four members the PACs are targeting is particularly vulnerable, suggesting the goal of the expenditures is, at least, partly to raise more money for the PACs themselves.

- The two PACs spent nearly \$18 million during the 2020 cycle. But the vast majority went toward fundraising. They spent just over 5% on political activity, much of which appears to have also asked for additional donations.
- The IUPA union also spends the vast majority of its money on fundraising, with very little going toward grants or union representation and organizing.
- The union and its PACs [have been scrutinized](#) over allegedly misleading fundraising practices, frequently involving telemarketing calls.

**The big picture:** Ocasio-Cortez, Omar, Pressley and Tlaib are lightning rods for conservatives — and potent fundraising draws as a result.

- Policing and public safety are at the forefront of the conservative political consciousness.
- That can be lucrative for groups looking to rake in small-dollar donations from contributors not suspecting their money will be used largely to perpetuate an organization — rather than finance attacks or candidates against its opponents.

## **Senate Bill 2 is the wrong way to create a police decertification process Orange County Register/SCNG**

**By: Susan Shelley**

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<https://www.ocregister.com/2021/06/12/senate-bill-2-is-the-wrong-way-to-create-a-police-decertification-process/>

There's no problem so terrible that the California Legislature cannot find a way to make it worse.

That's the story of Senate Bill 2, a legislative effort to create a process for decertifying problem law enforcement officers. California is one of only four states that doesn't have a decertification system, and there's a broad consensus, even among law enforcement unions, that this should be remedied.

But leave it to the California Legislature to turn a police reform bill into an open vein that bleeds taxpayer money into the bank accounts of lawyers.

Here's how it would work on paper: Law enforcement agencies would be required to report cases of serious misconduct to the state Commission on Peace Officer Standards and Training (POST), which would investigate; POST's findings would be reviewed by a separate advisory board; the advisory board may reject findings that exonerate the officer and may recommend decertification; POST is required to accept the advisory board's recommendation as long as it is supported by "clear and convincing evidence."

Here's how it could work in practice: POST investigates every allegation of serious misconduct and exonerates some officers; an advisory board likely dominated by defund-the-police activists rejects those findings and recommends decertification of those officers; lawyers get involved; cities, counties and law enforcement agencies quickly cave to political pressure and settle the lawsuits; taxpayers get the bill again and again.

To see the problem with government-by-lawsuit, look no further than the homelessness crisis. At the first sign of enforcement of laws against public camping, cities get sued, and they frequently settle those lawsuits. In the 2007 Jones v. Los Angeles settlement, the city of Los Angeles gave up the power to ban sleeping on the sidewalks. In the 2019 Mitchell v. Los Angeles settlement, the city gave up the power to limit the amount of property that may be stored on the public right-of-way. Typically, such settlements stick taxpayers with the attorneys' fees, while changing decision-making on the streets in a way that produces negative outcomes for everyone.

Senate Bill 2 could do for policing what the Jones settlement did for sidewalks.

Under SB 2, the nine-member advisory board that would have the power to reject commission findings that exonerated an officer would consist of two members of the public with "substantial experience working at nonprofit or academic institutions on issues related to police misconduct," two members of the public with "substantial experience working at community-based organizations on issues related to police misconduct," two members of the public "who have been subject to wrongful use of force likely to cause death or serious bodily injury by a peace officer, or who are surviving family members of a person killed by the wrongful use of deadly force by a peace officer," one attorney "with substantial professional experience involving oversight of peace officers," and two current or former peace officers appointed by the governor.

A total of seven members of the board would be appointed by the governor, with one academic appointed by the speaker of the Assembly and one community-based organization member appointed by the Senate Rules Committee. None of the appointees who are "members of the public" may be former peace officers.

Odds makers would look at that field and rate "decertification" as such a sure thing that casinos might not even accept wagers.

The goal of police reform should be to create a reliable, credible and fair decertification system, in which everyone can have confidence. Empowering an agenda-driven panel to reject findings that exonerate an officer is the wrong solution.

That is, unless you're an attorney who's annoyed by court decisions that have made it more difficult to sue cities and law enforcement agencies. Senate Bill 2 is a cookie jar for lawyers.

SB2 makes lawsuit-friendly changes to the Tom Bane Civil Rights Act, which forbids people from interfering with a person's constitutional rights by threat, intimidation or coercion. The law is California's counterpart to the Federal Civil Rights Act. Over the years, federal and state courts have carved out immunities for peace officers under certain circumstances, and that has made it harder for attorneys to win civil rights cases against law enforcement officers and the deep-pocketed entities that employ them. SB 2 would eliminate state law immunities in some cases and remove the need to prove specific intent to violate civil rights.

There has to be a better way. How are the 40-plus other states that have a decertification process handling these issues?

Utah established a decertification system in the 1980s and has continuously refined it. "POST worked in unison with the Attorney General's Office to write the rules and implement the law necessary to make a workable program," the state says on its website, "The POST Council reviewed proposals and protocols monthly for over a year. Eventually, a process was developed and implemented. Some changes have taken place over time and great strides have been made to preserve the reputation of the profession and to protect the rights of the individual."

Well, that's one way to do it. Or you could do it the California way, writing a law in Sacramento that stacks the deck against law enforcement officers and enables lawyers to shake down cities for settlements by creating a politically appointed, majority-activist board that can overrule the commission charged with enforcing professional standards in a difficult and dangerous profession.

Senate Bill 2 should be defeated. We can do better.

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There's a lot going on in the fight to protect your rights and do what is best for your families and the public you serve. I am working along with many others to defend you whenever you need it.

Stay safe and know that I have your back.

My best,

Eric