

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline and Accountability #1

|                    |            |
|--------------------|------------|
| DISCUSSED BY SCPRC |            |
| RECEIVED BY SPD    | 02/08/2021 |
| RETURNED TO SCPRC  |            |

|                          |  |                         |   |
|--------------------------|--|-------------------------|---|
| APPROVED AND IMPLEMENTED |  | PENDING FURTHER REVIEW  |   |
| APPROVED AND PENDING     |  | SPD UNABLE TO IMPLEMENT | X |
| PARTIAL IMPLEMENTATION   |  | DENIED                  |   |

## SCPRC RECOMMENDATION

A. EXTERNAL JURISDICTION: In recognition of barriers to police reform at the different levels of government, the commission recommends the Mayor and Council support legislative efforts to strengthen police accountability in the following areas:

1. Federal

i. Support the removal of peace officer qualified immunity

Basis for the above recommendation includes, but is not limited to, the following: Justice in Policing Act of 2020, (H.R. 7120; Rept. 116-434; 116th Congress (2019-2020); Introduced June 8, 2020, Passed in the House of Representatives, Printed June 19, 2020)

- 18 USC section 242, Title I, Police Accountability, proposed section 102 Qualified Immunity Reform (Qualified immunity has been interpreted by the courts to bar individuals from recovering damages when law enforcement officers have violated [citizens] constitutional rights. This bill would modify Section 1983 to enable individuals to recover damages when law enforcement officers violate their constitutional rights.)
- 18 U.S.C. section 242, Title II, Policing Transparency Through Data, Subtitle A, Establishment of a National Police Misconduct Registry, (Registry to compile data of 1) Misconduct complaints, 2) Discipline, 3) Termination, and 4) Certifications)
- Pursuant to Section 102 of H.R. 7120, 42. U.S.C. 1983 would be amended: Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end of the following: “It shall not be a defense or immunity in any action brought under this section against a local law enforcement officer (as such term is defined in section 2 of the George Floyd Justice in Policing Act of 2020), or in any action under any source of law against a Federal investigative or law enforcement officer (as defined in section 2680 (h) of title 28, United States Code), that –(1) the defendant was acting in good faith, or that the defendant believed, reasonably or otherwise, that his or her conduct was lawful at the time when the conduct was committed; or .. (2) the rights, privileges, or immunities secured by the Constitution and laws were not clearly established at the time of their deprivation by the defendant, or that at such time, the state of the law was otherwise such that the defendant could not reasonably have been expected to know whether his or her conduct was lawful.”

2. State

i. Sponsor legislative efforts to allow the state to decertify a peace officer for excessive use of force or other misconduct.

Basis for the above recommendation includes, but is not limited to, the following

- CA Attorney General Press Release, June 15, 2020: Attorney General Becerra Calls for Broad Police Reforms and Proactive Efforts to Protect Lives, [including the decertification of peace officers for serious misconduct.]
- Sacramento Bee article: California Lawmakers Time to Consider Revoking Badges of Problem Officers, dated November 14, 2019
- Sacramento Bee article: Who are they, what they did, and why are some still working, dated November 10, 2019.
- Support State legislation that favors the “City’s 2018 State and Federal Legislation Platform dated April 24, 2018, where the City voted to “oppose legislation that shields law enforcement personnel from prosecutions.”

#### SCPRC RECOMMENDATION RATIONALE

N/A

#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 44:55
- Staff Report: [https://sacramento.granicus.com/MapView.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MapView.php?view_id=21&meta_id=631887)
  - Page 4 and 5

SPD unable to implement, requires further input from other city departments and offices.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)