



## CITY OF MURRIETA

May 26, 2021

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

**RE: SB 2 (Bradford) Peace Officers: Certification: Civil Rights  
Notice of OPPOSITON**

Dear Senator Bradford,

The City of Murrieta must respectfully oppose Senate Bill 2. This measure makes detrimental changes to the Tom Bane Civil Rights Act, undercuts the federally held doctrine of qualified immunity, and outlines a largely unworkable peace officer decertification process.

The Tom Bane Civil Rights Act provides: “If a person ... interferes ... or attempts to interfere by threats, intimidation, or coercion, with the exercise ... by any individual ... of rights secured by the Constitution or laws of the United States, or the rights secured by the Constitution or laws of this state,” the individual can bring “a civil action for damages.” This measure would lower the current proof requirement that the individual filing suit demonstrate that the person being sued specifically intended to violate the individual’s constitutional rights to now require proof that the person being sued generally intended to engage in the conduct that ultimately resulted in an alleged constitutional violation. This change will undoubtedly increase claims under the Bane Act—along with the associated attorney’s fees.

The intent of SB 2, as outlined in its legislative findings, is to eliminate instances of “officers escaping accountability in civil courts, even when they have broken the law or violated the rights of members of the public.” As written, the City of Murrieta does not believe this measure meets that end but instead increases liability significantly for employing agencies (cities and counties) who are often responsible for paying settlements or judgments resulting from these lawsuits. The ultimate result could significantly impact local budgets, that would thereby impact taxpayers.



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SB 2 would undercut qualified immunity, a common law doctrine that applies in federal courts, as it will significantly increase the volume and extent of lawsuits being filed in state court that would otherwise have been filed in federal court. Qualified immunity is meant to protect state and local governments from having to pay money damages for actions not yet deemed unconstitutional by a court: "This accommodation for reasonable error exists because officials should not err always on the side of caution because they fear being sued." *Hunter v. Bryant*, 502 U.S. 224, 229 (1991).

Qualified immunity has very clearly outlined parameters and does not apply to every officer in every incident. The Supreme Court has held that police and correctional officer use of force violates the Fourth Amendment when it is "excessive." Police and correctional officers receive qualified immunity if it is not clearly established that their use of force was excessive. According to the Supreme Court, while qualified immunity "do[es] not require a case directly on point," it does require that "existing precedent must have placed the statutory or constitutional question beyond debate."

Finally, SB 2 would increase the administrative burden on local agencies to report to the Peace Officer Standards and Training (POST) Commission and essentially eliminate local control relating to action taken on incidents within their jurisdiction. The powers granted to POST to initiate investigations and proceed with findings effectively undercut the leadership of chiefs of police.

For these reasons, the City of Murrieta opposes SB 2. If you have any questions, or need more information about the City's position, please contact Louie Lacasella, City Manager's Office at (951) 461-6008 or [llacasella@MurrietaCA.Gov](mailto:llacasella@MurrietaCA.Gov).

Sincerely,

Scott Vinton  
Mayor

Cc: Murrieta City Council  
Senator Melissa Melendez  
Assembly Member Kelly Seyarto  
Erin Sasse, League of California Cities