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California Attorneys for Criminal Justice

California Attorneys for Criminal Justice (CACJ) Announces Legislative Police Reform Proposals

Organization Calls For Creation of Independent Entity to File Charges And Prosecute Police Officers

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**Contact: Hernandez Strategy Group
Ignacio@Hernandezstrategy.com
(916) 302-1001**

Sacramento – Today the California Attorneys for Criminal Justice (CACJ), the preeminent statewide association of criminal defense attorneys in private practice and working in public defender offices has announced a package of legislative proposals to address ongoing racial bias in law enforcement and the judicial system. Sacramento-based CACJ, which was founded more than 45 years ago, aims to increase oversight of law enforcement practices and to establish stronger accountability when there are allegations of police abuse. The proposals also include a measure to prevent the unfair exclusion of people of color from jury service.

“Our criminal justice system is plagued with racial bias, from disproportionate traffic stops and arrests of people of color, to juries lacking diversity, and police abuse going unpunished” stated Eric Schweitzer President of CACJ and an attorney in Fresno, California.

CACJ’s proposed California Law Enforcement Accountability and Community Justice Act of 2020 is designed to address many of the racially-based flaws in our criminal justice system that result in the over-incarceration of people of color.

“When our cops and our courts get it wrong we end up with a system the community can’t trust and overrepresentation of people of color in jail, for too long and often for things they didn’t do” added Allison Zuvella, Vice-President of CACJ and Chief Deputy Public Defender of Yolo County in Northern California.

The signature proposal in CACJ’s package is the creation of an independent California Justice Commission that will be empowered to make criminal charging decisions in response to allegations of police abuse. Currently, the same law enforcement entity investigates the incident and decides whether to arrest a police officer. Additionally, the district attorney for the county makes decisions regarding prosecution. DA’s and local law enforcement are so intertwined in day-to-day operations that it is difficult to expect independence in charging decisions and at minimum there is a perception of bias.

“Frequently local cops don’t arrest their fellow officers or prosecutors choose not to file charges. DA decisions can be delayed so long that the community cannot have confidence in the system of accountability,” stated Zuvella. In the George Floyd case, arrests were not made until days later when video of the incident was made public. Several officers who participated in Floyd’s arrest have not been arrested. In the shooting death of unarmed Stephon Clark in Sacramento the Sacramento DA took a year before she announced no charges would be filed.



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California Law Enforcement Accountability and Community Justice Act of 2020

1. Establish the *California Justice Commission*

This independent entity will have the authority to investigate, bring charges, and prosecute cases involving police abuse in any jurisdiction in California. The Commission, through a delegation of authority from the California Attorney General's office, will receive references of cases to investigate and an expedited time frame to make charging decisions. The Commission's attorneys will be designated as special prosecutors to handle police abuse cases. The Commission will be led by a board comprised of diverse individuals who will oversee charging decisions. Local entities will also have the option to create their own independent office that conforms with specified requirements. **CACJ will sponsor this bill.**

“Having an entity entirely independent from law enforcement investigate and prosecute police officers is unprecedented, but at this time in our history it’s necessary” added Schweitzer.

2. Expansion of *Civilian Review Board* authority

All civilian review boards in California will have the authority to conduct investigations, subpoena witnesses and information, and bring administrative actions against individual law enforcement officers. There has been prior legislation attempted on this issue such as AB 284 (McCarty) in 2017.

3. Create the *Law Enforcement Responsibility Act*

New criminal statute for police who fail to intervene when another officer is committing a serious or violent felony in their presence. The punishment would be similar to "aiding and abetting."

Strengthen California Civil Rights statutes to permit victims of police abuse to sue individual police officers and departments, even if the individual was charged with a crime. Police officers often assert charges such as "resisting arrest" to negate the ability to sue.

4. Body Camera Expansion

Increased use of body cameras in California and strengthen transparency and public access to the recordings.

5. Bias in Jury Selection

Strengthen current law prohibiting prosecutors from unjustly eliminating people of color from juries. This language is contained in AB 3070 (Weber) and is on the Assembly Floor. CACJ is the sponsor of AB 3070.

6. Restore Voting Rights

Restore voting rights to individuals serving parole. This language is contained in ACA 6 (McCarty).