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California Civil Liberties Advocacy  
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Monday, February 18, 2019

Assembly Public Safety Committee  
c/o Elizabeth Potter  
Legislative Office Building  
1020 N Street, Room 111  
Sacramento, California 95814  
[elizabeth.potter@asm.ca.gov](mailto:elizabeth.potter@asm.ca.gov)

RE: Opposition to Assembly Bill 137 (Cooper)

Dear Committee Members:

The California Civil Liberties Advocacy is writing to express **opposition** to AB 137 (Cooper). According to the language of the bill, AB 137 appears to be an expansion of the Public Safety Officers Procedural Bill of Rights Act. The CCLA opposes this bill, particularly, because we strongly feel that its provisions grant rights to officers alleged to have committed wrongdoing that are not afforded to common citizens under criminal investigation, and will further erode the public's trust and confidence in the integrity of California's nearly 120,000 law enforcement personnel.

Specifically, AB 137 mandates that an officer under investigation shall be informed of the time, date, and location of any incident at issue, the internal affairs case number, and the titles of any policies, orders, rules, procedures, or directives alleged to have been violated with a general characterization of the event giving rise to that allegation.

Common citizens are never afforded any such *pre-interview discovery*, to prepare their defense ahead of time. The law has many allowances for ex parte orders for various methods of surveillance and searches so that a defendant is not afforded an opportunity to change their conduct or impede an ongoing investigation. If this same rationale is applied to affording officers who are investigated for wrongdoing—including criminal allegations—then the need for this bill appears to be a thinly disguised attempt to grant officers more rights than the common citizens they are sworn to serve. The CCLA's position is that wrongdoing is wrongdoing and no one is above the law. The CCLA opposed AB 887 in 2017, which was substantively identical to AB 137.<sup>i</sup> That bill was sponsored by the Peace Officers Research Association (PORAC) and co-authored by the same legislator.<sup>ii</sup> That bill was opposed by the California Police Chiefs Association and was ultimately gutted.<sup>iii</sup>

In addition to the issues outlined above, despite being labeled by most as one of the most progressive states in the union, California has one of the highest rates of police shootings in the

*"Indifference to personal liberty is but the precursor of the state's hostility to it."*

*— Justice Kennedy, U.S. Supreme Court*

United States. Police in California killed nearly 200 civilians in 2018.<sup>iv</sup> In 2015, public confidence in police hit an all-time low of 52%.<sup>v</sup> More recent Gallup polling puts this number back up to its historical average, at 57%, but this increase is marginal at best when considering that public confidence was nearly 65% in 2004.<sup>vi</sup> But when these numbers are further delineated, a clearer picture emerges: From 2012 to 2014, Hispanics and Blacks held at 59% and 35%, respectively.<sup>vii</sup> But from 2015 to 2017, these numbers dropped to 45% and 30%, respectively.<sup>viii</sup> And the total number of those between the ages of 18-34 averaged 44%, and between 35-54 averaged 54%, while those 55 and older averaged 63%. And while the older age groups increased slightly, the 18-34 age group dropped dramatically from 56% between 2012-2014, to 44% between 2015-2017.<sup>ix</sup> If peace officers are afforded greater rights than common citizens, especially if an investigation involves use of deadly force, and these rights result in an increase of favorable outcomes for such peace officers, then the provisions of AB 137 will only inhibit the public's trust in law enforcement. With law enforcement in the crosshairs of the mainstream media every day and the growing scrutiny of the need to use deadly force, the legislature needs to increase transparency, accountability, and fairness in such investigations in order to restore and build on public trust.

For all of the abovementioned reasons, the CCLA strongly **opposes** AB 137.

Very truly yours,



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<sup>i</sup> [http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201720180AB887](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB887)

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> <https://www.sacbee.com/news/politics-government/capitol-alert/article214598915.html>

<sup>v</sup> <https://news.gallup.com/poll/213869/confidence-police-back-historical-average.aspx>

<sup>vi</sup> <https://www.cnn.com/2017/07/14/health/police-confidence-gallup-polls-trnd/index.html>

<sup>vii</sup> Ibid.

<sup>viii</sup> Ibid.

<sup>ix</sup> Ibid.